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THE

AMERICAN

ANNUAL REGISTER;

FOR THE YEARS 1827-8-9.

OR,

THE FIFTY-SECOND AND FIFTY-THIRD YEARS OF AMERICAN
INDEPENDENCE.

NEW-YORK:

PUBLISHED BY E. & G. W. BLUNT.

1830.

Southern District of New-York, ss.

BE IT REMEMBERED, That on the twentieth day of April, A. D. 1830, in the fifty-fourth year of the Independence of the United States of America, E. & G. W. Blunt, of the said district, have deposited in this office the title of a Book, the right whereof they claim as proprietors, in the words following, to wit:

[L. S.]

"The American Annual Register; for the years 1827-8-9, or, the fifty-second and fifty-third years of American Independence."

In conformity to the Act of Congress of the United States, entitled, "An Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the time therein mentioned." And also to an Act, entitled "An Act, supplementary to an Act, entitled An Act for the encouragement of learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other Prints."

FRED. J. BETTS,

Clerk of the Southern District of New-York.

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PREFACE.

THE period of history embraced in the present volume of the American Annual Register, comprehends nearly two years. This departure from the original plan, although partly caused by considerations only interesting to its conductor, was in some measure justified by the peculiar character of the events which transpired during that time. The proceedings of the first session of the 20th congress, and most of the domestic affairs of this country, had a direct reference to the presidential election, which took place shortly after the close of the period originally intended to be embraced in this volume, and the second session gave rise to nothing of general interest, but was confined to the consideration of such laws only, as were absolutely necessary for the support of the government. There seemed, therefore, to be a peculiar fitness in including the proceedings of both sessions in one volume. The war between Russia and Turkey, although originating in causes, which must be sought in the early history of Europe, and productive of consequences which the most powerful imagination can but faintly shadow forth, also commenced and terminated within the same years.

The character of the principal events transpiring in other European kingdoms, and the infant republics on this continent, gave additional force to the consideration, and finally led to the determination, to so far modify the plan, as to include the

history of the two years in one volume, and to devote a separate volume to the public documents, law proceedings, and biographies.

The same matter will be found in the two volumes as was at first contemplated, but it will be differently arranged, with the view of preventing an interruption in the narration of events, which form one consistent and complete history.

In this volume, the public is presented with the historical portion ; and in the second part which is to be published in the ensuing summer, will be comprehended the illustrating public documents, the law trials and the biographies.

Among the biographies will be those of John Jay, De Witt Clinton, Thomas A. Emmet, William Tilghman, Richard Stockton, John Eager Howard, and John Tayler Gilman, prepared from copious and authentic materials.

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AMERICAN ANNUAL REGISTER,

FOR

THE YEARS 1827-8-9.

HISTORY OF THE UNITED STATES.

CHAPTER I.

State of Parties—Principles of Administration—Of Opposition—Political aspect of Country—Elections in 1827—20th Congress—8th of January—Execution of Militia-men—Retrenchment Committee—Report of Majority—Of Minority—Reform—Party Violence—Defeat of Administration—Retirement of Mr. Adams—Character of Administration.

THE parties, which had been in a state of developement during the two first years of Mr. Adams' administration, became, shortly after the adjournment of the 19th Congress, distinctly arrayed against each other, and the lines of demarcation were plainly drawn between them.

It had been for several years, somewhat difficult to ascertain from the party denominations by which public men were known, the political principles they professed. Upon the general disbanding of the federalists as a national party, they amalgamated with their opponents;

and although in some states they still acted together for local purposes, and in other states their former leaders kept aloof from public affairs, the old lines of party division were gradually obliterated, and no difference of principle apparently existed between parties, which had been so lately engaged in the most vehement political warfare. The name was indeed often applied as a term of reproach to some of the temporary and local parties, which occasionally appeared in opposition to those, who held the reins of government in the larger states; but its existence as an active party con-

tending for power being at an end, its defence was left to those who had in a great measure retired from public life; and its character, which had fallen in general estimation from the factious conduct of its leaders during the late war, was committed to the tender mercies of its opponents.

This state of things, as it was suggested in a former volume, had a tendency to lower the standard of qualifications for official station. The general character of public measures did not furnish any distinct grounds of dispute. All parties acquiesced in the same course of policy; and the leading motive to enter into the political arena, and the ultimate reward of a successful career, were the honours and emoluments of office. A disposition to yield their own convictions, to flatter the prejudices of those, who possessed the power of dispensing patronage, was too manifest among the candidates for public and official favour. The number of rival candidates had increased, and as but one avenue to power promising success was open, their pretensions brought them into constant collision with each other, and rendered them too apt to play the courtier with the people, and to resort to those arts and intrigues to gain the suffrages of the electors, which in other countries are employed to obtain the support of a minister, or the favour of a monarch's favourite.

These circumstances, whilst they impaired the sincerity of public men, and degraded the standard of moral and political qualifications, also rendered the people at large less able to ascertain who, among the several candidates presented to their choice, were the best representatives of their principles and their opinions. A class of men were thus found in public life, ready to trim their sails to the varying gale, and representing their own interests rather than any set of political principles. These men did not indeed compare in number, and still less in character, with those who obtained the favour of their fellow-citizens by the force of their talents, and preserved it by their public services; but still they formed an important part of the political machinery of the country, and being in greater force at this period than usual in the federal and state legislatures, they constituted a sort of mercenary corps, which preserved its neutrality until its junction with one of the contending parties could clearly decide the contest in its favour.

This state of things rendered the success of an administration of the government upon the principles adopted by Mr. Adams, extremely problematical. At the commencement of his term of office, he had declared his intention to follow the general outlines of policy, which had characterized the administra-

tion of his predecessor. This imposed on him, in some measure, the necessity of continuing in office those who had been previously appointed; and adopting as a general rule, that he would remove no man except for official misconduct, and to regard in his selection of candidates for vacancies, only their moral and intellectual qualifications, he voluntarily relinquished the support which he might have derived from executive patronage, and placed the success of his administration simply upon the merit of its principles and its measures.

No very great difference of opinion existed as to the principles which were to be carried into practice in the management of the foreign relations of the United States. The strong national feeling produced by the late war with Great Britain, had extinguished those foreign partialities which had previously been the reproach of the prevailing parties, and no American statesman, whether in the administration or in the opposition, could hope for the support of his countrymen upon any other ground than a steadfast and resolute maintenance of the national interest and honour. It did, indeed, constitute a portion of the charges against the administration, that with Brazil this principle was lost sight of; and that in its discussions with England concerning the West India trade, it was too strenuously

insisted upon: but no one denied the propriety of the principle, although it was controverted that it had been properly applied. No such agreement existed as to the domestic policy of the government. A difference of opinion as to its constitutional powers, necessarily produced disputes concerning the measures to be pursued. While one class of politicians asserted that the general government was instituted for national purposes, and that it possessed all the implied powers necessary to effect the objects which the constitution had placed within its jurisdiction; another class contended that the powers must be specifically granted, that these powers were limited to the enumerated objects, and that the practice of exercising constructive powers was subversive of state sovereignty. The states, they said, were independent, and as distinct sovereignties they had framed a federal constitution, reserving to themselves all the powers not specifically granted by that instrument.

It was asserted in opposition to this, that the federal government was instituted by the people of the United States, and not by the states in their sovereign capacities—that the states never were distinct and independent, but on the contrary, they were distinct only while colonies—that their independence had resulted from their union, and that, in fact, they were united as one

nation, and had incurred all the obligations growing out of a state of war—had contracted alliances and debts, and pledged their faith as one people, anterior even to the establishment of the state governments. The federal and state governments were equally established by the people, and written constitutions framed, defining their respective powers. The federal government, it was true, possessed only enumerated powers; but it was instituted for the purpose of superintending national objects, and was invested with the necessary powers to accomplish that general end.

In announcing in his inaugural address his intention of pursuing the policy adopted by his predecessor, Mr. Adams had indicated his resolution to construe the federal constitution as authorizing appropriations by congress, for the internal improvement of the country, and the passage of the laws for the advancement of national interests. This declaration was justly regarded as an expression of his preference of the federal to the anti-federal construction of the constitution; and being amplified and carried into detail in his opening message to the 19th Congress, tended to rally all those who insisted on the narrow construction of that instrument in opposition to his administration.

Experience had shown, that the

representatives from the southern states had generally ranked themselves among those, who contended for the less liberal view of the powers of the federal government. Whether it was owing to the peculiar character of the states, which from their stationary condition did not require that active care from the national government, that was demanded in other portions of the country where the population was increasing, and the resources more rapidly developed; or to an apprehension, that the general government might at some future period interfere with the rights of the slave holders; certain it is, that a strong jealousy of its powers had always been manifested by the representatives from the planting states. On the other hand, except when under the influence of strong temporary excitement, the eastern states, from their extensive commercial relations, have always felt the necessity of having a government which could make itself respected abroad; and the enterprising character of their inhabitants gave them a strong interest in every institution, which could add to the resources or the strength of the Union. The middle states, also, entertained warm attachments to the federal government, although peculiar circumstances, arising from the character of state parties contending with more than ordinary acrimony for local offices, had often placed

New-York and Pennsylvania in the opposite scale. The unsettled condition of the western states, had prevented their taking any part in the contest respecting the powers of the federal government until the present time ; although, growing up and acquiring the character of states during the predominancy of the democratic party, their representatives had generally professed the same principles. The contest, however, was then concerning the conduct of our foreign relations, and the domestic policy of the country was overlooked. A new era had now commenced, and the relations of parties had materially changed. To the inhabitants of the western, and to many of those of the middle states, the political questions were entirely new. They related to the domestic policy and to the constitutional powers of the federal government. The present administration had now assumed a distinct character. The attention of the government, during the administrations of Jefferson and Madison, had been so much engrossed by disputes with foreign powers, that no distinct home policy had been adopted. During Mr. Monroe's administration, its attention had been partially directed to the internal condition of the country ; but certain doubts in the mind of the President, and a constitutional hesitation or infirmity of purpose,

prevented the policy he had adopted from being carried into complete effect. No such complaint could be made, concerning the domestic policy of the present administration. It had a distinct and strongly marked character. Adopting as a general principle that the federal government was one of limited powers, but established for national purposes, the President proceeded to enforce upon congress, the necessity of exercising its constitutional powers in passing laws to promote the improvement of agriculture, commerce and manufactures ; of the internal communications between different parts of the Union ; for the advancement of literature, the progress of the sciences ; and to establish on a stable footing, those national institutions which had been commenced by his predecessors. This plain and explicit avowal of his principles, drew upon the administration the hostility of most of the representatives of the southern states ; and their opposition to its policy and doctrines was not a little stimulated by their sectional prejudices against its head.

A portion of the opposition, indeed, was already committed in favour of the power of the general government to make appropriations for internal improvement ; but the charge of the corrupt origin of the administration and its recommendation of

the tariff, far outbalanced, in their eyes, any negative merits of that sort.

An account has been given in the two preceding volumes, of the combination of these different classes of politicians, professing such discordant principles, in the opposition; and it soon became obvious, that an extraordinary unity of design and action existed in the party throughout the country. All minor differences were buried in their desire to overthrow the administration.—The topics calculated to bring its measures into discredit, were most skilfully brought forward, and in various sections of the union, opposite reasons were urged with effect against its continuance in power.

Whilst an irreconcilable difference of principle induced the representatives of the interests and opinions of the South to oppose it, and the personal predilections and political views of the partizans of Jackson and Calhoun, arranged them on the same side, notwithstanding their opinions of the domestic policy of the government; no means were left untried to obtain support in those states, whose interests and feelings led them to approve of the principles, upon which the government was administered. The strongest appeals were made to the sectional feelings of the western states, in behalf of the

candidate of the opposition; and it was discovered at an early period, that these appeals met with a ready response from the electors beyond the Alleghany mountains. New-York and Pennsylvania were operated upon by a belief, industriously circulated, that Gen. Jackson was the candidate of the democracy of the union, and this impression also contributed to create a strong party in his favour in the States of Maine and New-Hampshire. The old federal party, however, did not rally in support of the administration.—This party had disbanded, and many of its leaders were the most ardent personal opponents of Mr. Adams, and became the most effective adherents of the opposition.

Such was the state of politics at the termination of the 19th Congress; and the elections which were to determine the complexion of the next Congress, took place under the influence of this complicated state of public feeling.

In some of the states, indications were clearly given of the disposition of the electors towards the existing administration.

In Virginia and North-Carolina, where the district system prevailed, opposition members were returned, with some few exceptions.

In the other southern states, except Louisiana, candidates of the same character were chosen; while in the eastern states, administra-

tion candidates were elected, except in Maine, where two of the opposition succeeded.

The western and middle states presented a different aspect; the contending parties in those states being more equally divided.

In Tennessee and Illinois, the opposition candidates prevailed, as well as in four fifths of the districts in Pennsylvania. In both Louisiana and Indiana, a majority of the members elected were in favour of the administration. A still more favourable result took place in Ohio, which returned ten in favour, and but four against the administration.

Delaware and New-Jersey also elected administration candidates; and the results in these states were considered as proofs of the increasing favour of the administration with the people; as until then, the representative of Delaware had been in the opposition, and the vote of New-Jersey at the Presidential election in 1824 had been in favour of General Jackson.

These favourable indications, however, were much more than counterbalanced by the results of the elections in Kentucky and New-York.

Upon the election in the former of those states public attention was strongly fixed, on account of its being considered as a test of the influence of the Secretary of State in his own state. The result, which gave seven representatives in the

opposition, and but five in favour of the administration, proved, that however strongly fixed the affections of Kentucky might be upon her favourite son, the local prejudices of the people inclined them to support a western candidate in preference to a citizen of the eastern states.

The election in New-York, was still more discouraging to the prospects of the re-election of Mr. Adams. In that state, as well as in Maryland, the representatives to the twentieth Congress were chosen in the autumn of 1826, and the contest was only as to the representation in the state legislatures. No distinct administration party existed in the state of New-York. A large portion of its electors approved of its policy; but they were not organized as a party, and the state parties had been for years contending about questions of a character entirely local. They were composed indifferently both of the supporters and opponents of the administration. The leaders, however, of both of the local parties having determined on opposition, were enabled, by means of the old party organizations, to elect an apparently overwhelming majority to the state legislature in favour of Gen. Jackson. This result in a state where the administration had in reality many friends, and where it had with reason calculated on a firm support,

tended to strengthen the opposition, and to confirm its sanguine hopes of success by the accession of the wavering to a party obviously in the ascendant. Upon the assembling of the twentieth Congress, it was ascertained, by the election of the speaker, that a majority of the house was opposed to the administration; and this victory was soon followed, by such an accession from those who were *uncommitted* in the senate, as to give a majority to the same party in that body.

The committees of both houses, of course, represented the political opinions of the opposition, and the administration was left without that support, which it was accustomed in Congress.

The first session was justly deemed decisive of its fate. The deliberations and proceedings in Congress, always possessing a great influence over public opinion, were now, from the circumstances to which we have alluded, invested with more than ordinary authority. The people looked to that body for information, both as to the principles and measures of the executive part of the government, and the majority of both branches being opposed to the executive, most of the measures recommended by him, were either defeated or so modified, as to materially change the character and effect of the policy proposed.

The administration, therefore, had not a fair trial in public opinion. Not having a majority in Congress, its policy was not carried into full effect, and the country had not an opportunity of ascertaining by experience whether it was beneficial or not.

Many of the measures recommended by the President, as the Panama Mission, the Bankrupt Law, a National University, a Naval School, the extension of the Federal Judiciary, were defeated by the opposition; and others, like the tariff, were so amended, as to produce an effect upon the interests of the country, different from that originally contemplated.

Resolutions too were entertained simply with the view of discussing the character of the administration; and some of the reports of committees partook too strongly of this partizan complexion. If these proceedings had been confined simply to public measures, or even to political principles, they might have been considered within the bounds of propriety; but they clearly violated them, and tended to convert Congress into a mere forum for political debate, when they brought the personal merits and demerits of the several candidates for the Presidency under consideration, and descended to entertain topics which were addressed rather to the prejudices and passions, than to the reason of

the people. The anniversary of the victory of the eighth of January, while it was celebrated throughout the Union, rather as a party than a national celebration, gave occasion to a resolution of this nature in the house of representatives.

On that day, after the reading of reports from committees was finished Mr. Hamilton moved, "that the committee on the library be instructed^d to inquire into the expediency of having a historical picture of the battle of New-Orleans painted, and placed in one of the pannels of the Rotunda." This resolution, which was regarded as intended for political effect, produced much discussion. Amendments were proposed, adding the battles of Bunker Hill, Monmouth, Princeton, and the attack on Quebec, and also, some of the naval victories after the battle of New-Orleans.

The house adjourned that day without coming to a decision. The discussion was resumed the next day, and after rejecting every attempt to amend the resolution by the insertion of any other victories, the house rejected the resolution itself, 98 ayes, 103 nays.

This resolution was followed by one of a similar character from the other party. On the 11th of January, Mr. Sloane moved a resolution requiring the Secretary of War to furnish the house with a

copy of the proceedings of a Court Martial, held 5th of December, 1814, in a detachment of the army under the command of General Jackson, for the trial of certain Tennessee militiamen.

These men had been guilty of insubordination and mutiny, and, having been found guilty, were condemned to be shot, which sentence was ordered by General Jackson to be carried into execution. It was, however, said that these men were not legally drafted, and of course not liable to the penalties of martial law. The proceedings of the court martial were not strictly formal; and under these circumstances, it was supposed that the publication of the official records would prove the General to have been careless of human life, and render him unpopular, as regardless of those legal formalities and distinctions, which the spirit of the common law has interposed between arbitrary power, and the rights of private citizens. The introduction of this resolution created much excitement in the house. Several amendments were offered, with the view of including in the call, other papers illustrating the subject; and the resolution, with the amendments, having finally passed, the documents furnished by the War Department, pursuant to the call, were referred to the Committee on military affairs for examination. The 11th of February

this committee made a long exculpatory report, justifying the execution of these militiamen, which, by a vote of the house, 108 to 98, was ordered to be printed with the documents in the order, in which they had been arranged by the committee.

Another motion of this character was submitted on the 22d of January, by Mr. Chilton, a new member, with the view of inquiring into the expenses of the government. The resolutions originally offered by him, declared it to be expedient to discharge the national debt, and that this could be accomplished only by reducing the number of public officers; diminishing the salaries of all that were retained; and avoiding all expenditures not absolutely required by the necessities of the government. They concluded by a reference to the committee of ways and means, with directions to report the proper measures to be adopted to effect those objects.

These resolutions were well qualified, to test the sincerity of the professions of economy and reform, which had been so repeatedly made by a certain class of the opposition, and enabled them to present to the public in detail, their scheme of government, and the extent of their contemplated retrenchment.

It did not appear, that the mover had consulted either party in bringing them forward. They were,

however, before the house, and as public opinion had been much agitated by the charges of extravagance, which had been so widely circulated against the administration, and by their positive denial on the part of its adherents, both parties felt in some measure compelled to go into the investigation.

Earnest efforts were made by both parties to give such a direction to the proposed inquiry, as should not injure their respective sides of the question in the public estimation: the administration party endeavouring to extend the inquiry, so that it should be an examination of the comparative economy of the present with past administrations; while the opposition sought to confine it to an investigation into the contingent and diplomatic expenses of the government. After debating this subject from the 22d of January, until the 6th of February, the house determined, on motion of Mr. Hamilton, by a vote of 112 to 74, to appoint a select committee to inquire into what retrenchments ought to be made in the number of the officers of the federal government, and in the amount of their salaries; and especially to inquire into the expenses of the post-office, the treasury, navy, war, Indian, and state departments; the expenses of foreign intercourse; and further, to report on the manner in which the various contingent funds, and the

secret service fund, had been expended. On motion of Mr. Dorsey, the committee was directed to extend the inquiry concerning the expenditure of the secret service fund back to the commencement of the federal government, 93 affirmative, 86 negative. The resolution then passed unanimously, and Messrs. Hamilton, Ingham, Sergeant, Rives, Everett, Wickliffe and Cambreling, were appointed a select committee.

After a long and minute investigation into the subjects comprehended in the resolutions, during which the clerks and other officers of the government were examined in relation to the contingent and other expenses of the departments: on the 15th of May, shortly before the termination of the session, the committee made a report, and Messrs. Sergeant and Everett, the minority of that committee, submitted a counter report.

These reports comprehended the whole subject of the discretionary expenditure of the executive part of the government, and contained a statement of the respective views and principles of the opposition and administration parties concerning the projected reform in the federal government.

After stating the course taken by the committee, in the inquiry it was directed to make, the report proceeds to state, that it was impossible to institute any effective scheme of retrenchment without the

cordial co-operation of the executive; and that all the heads of departments replied to the inquiry of the committee, that neither the number, nor the salaries of the officers in their respective departments could be diminished with safety to the public interest. It however stated the conviction of the committee, that by a judicious reform on the part of the executive, at least one third of the present number of clerks might be dispensed with; and that by a new distribution of office hours, an additional saving of nearly one third in expense might be expected.

The committee then went on to recommend a substitution of charge d'affairs, instead of ministers plenipotentiary at Colombia and Madrid; and that only consuls general should be kept at Naples, Guatemala, Chili, and Buenos Ayres.

A specific appropriation of from \$300 to \$600 was recommended for the contingent expenses of each mission; instead of a general appropriation for the contingent expenses of all missions abroad.

A comparison was then made of the expenses of the state department, for the three past years of the present, with the three last years of the preceding administration, which gave the following result:

<i>Last Administration.</i>	<i>Present Administration.</i>
1822, \$173,379.51	1825, \$306,731.74
1823, 314,668.56	1826, 255,296.20
1824, 270,731.27	1827, 237,463.42

This difference in favour of the

economy of the last administration was increased, in the opinion of the committee, after deducting the amount paid for incidental expenses growing out of the treaties of Ghent and of Florida, which were extraordinary expenses, and did not afford any test of the economy of the expenditures of the state department. For these objects there were expended \$126,603.97 under the last, and \$71,679.63 under the present administration.

The appropriations for the same years were, for the state department,

1822, \$239,450	1825, \$336,050
1823, 154,800	1826, 350,932
1824, 309,350	1827, 290,550

The expenditure from the contingent fund, denominated "secret service money," for the same time, were,

1822, nothing	1825, \$1,700.00
1823, \$3,000	1826, 1,666.66
1824, 2,130	1827, 3,968.01

The committee recommended the abolition of this fund, in time of peace, and that all expenses under it during war, should be accounted for at the termination of the war.

In the treasury department, a simplification of the mode by which the public moneys were disbursed and accounted for, was proposed, and also that the offices of second comptroller and second auditor should be abolished. It was also proposed to increase the duties and salary of the attorney general, by placing him at the head of a law board,

consisting of the comptroller and the four auditors, for examining and auditing all contested claims against the United States.

A comparison was then made of the contingent expenses of that department for the six years above mentioned, and the result was, excluding the land office,

1822-3-4, . . . \$63,803.73

1825-6-7, . . . 72,495.63

Including the land office, the result was, during the former period, \$96,407.46

During the latter period, 95,045.59

The average contingent expenses of all the departments, during the last four years of Washington's administration, amounted to less than \$17,000.

During the first term of Mr. Jefferson's administration, the annual contingent expenses of the departments, amounted to less than \$29,000; and, during Mr. Madison's administration, until the war with Great Britain, they amounted to \$30,000. The war caused extraordinary expenses, but it was now the time, in the opinion of the committee, for these expenses to return to the former rates; yet the average contingencies of the departments now amounted to \$77,454.

In the navy department, the committee thought that some of the contingencies were large, especially the expenses of court martials from January, 1824, to September, 1825, amounting to \$18,977. The office contingencies of the depart-

ment were, during the three last years of Mr. Monroe's administration, as follows:

In the secretary's office, . . . \$6,942.44

In the office of the navy commissioners, 4,194.57

During the three first years of Mr. Adams' administration,

In the secretary's office, . . . \$8,886.53

In the office of the navy commissioners, 5,194.83

In the war department, the committee admitted that the organization of the department was excellent, and the industry and intelligence of the officers at the head of the different branches of the staff, were undeniable; and stated that these things, which were attributable to the late secretary, Mr. Calhoun, had produced a more rigid enforcement of accountability throughout the service.

The business of the department, however, had diminished, and the reduction of its expenses had not been in proportion to the reduction of its business. During the three years of 1819-20 and 21, the expenses of the establishment were in a course of reduction, so that the expense of each individual in actual service, in those years, were as follows: In 1819, \$434,

1820, 315,

1821, 287.

The expenditures through this department, during the periods be-

tween which a comparison was instituted, presented the following results.

1822, \$5,467,424	1825, \$5,750,774
1823, 5,279,740	1826, 6,195,281
1824, 5,259,615	1827, 5,707,899

The office contingent expenses, during the former period, were \$21,707; during the latter period, \$28,676.

The appropriation for the contingencies of the Indian department, was said to be peculiarly liable to abuse; and, to guard against a repetition of some abuses which were charged, specific appropriations were recommended for each item, instead of one general appropriation.

The expenses of the post office department were said to be increasing; but in this department the committee found nothing, which did not meet with unqualified approbation. The amount annually expended by the departments for advertising, printing, and newspapers, amounted to \$6,199.63, for newspapers for the four departments; to \$57,656.51 for printing for the same; and to \$14,174 for the general post office. This amount of patronage in the hands of the executive, the committee were of opinion, invested it with a direct influence over the public press, and that such a pecuniary censorship must ultimately corrupt its conductors.

Believing that no wise, virtuous, and patriotic administration required the aid of a government

press, the committee proposed to abolish this branch of executive patronage, by causing the laws of the United States to be printed under the direction of the clerks of the Senate and house of Representatives :

2nd. by directing the laws to be printed in such newspapers as are designated by the state legislatures to publish the state laws :

3d. that the printers for congress shall publish the laws within the district of Columbia, and also the advertisements for the Departments :

4th. that all the job printing of the Departments, shall be performed by contract, and given to the lowest bidder :

5th. that the laws shall be distributed through the mail, and not by special messengers :

6th. and to limit the departments in subscribing to newspapers, by specific appropriations.

In the fixed and contingent expenses of congress, the committee thought there existed great abuses. It proposed in order to diminish the duration of the long session, to reduce the per diem allowance to members after the 1st Monday of April, in each year, to \$2. It also proposed that the accounts of each member should be certified upon honour, and that the exact mileage from his place of residence should be computed from the statement of the Post Master General. A re-

form was recommended in the mode of printing the public documents—that the practice of folding any documents, except those printed by order of congress in the public stationery, be prohibited, that item having, during that session, already amounted to 501 reams, costing \$2,200 ; and to abrogate the privilege given to each member, to subscribe for 3 daily papers at the public expense.

It also proposed, with the view of more speedily extinguishing the public debt, an exchange of the 6 per cent. stock, now and hereafter redeemable at the pleasure of the government, for a new stock bearing an interest of $4\frac{1}{2}$ per cent. A comparative statement was then given of the average expenses of the government during former administrations, by which it appeared that the expenses of the federal government, while Washington was President, averaged annually

\$2,794,222

During John Adams' administration

5,337,088

During Thomas Jefferson's

5,137,599

During James Madison's, before the war with Great Britain

6,106,120

And during James Monroe's in 1822-3-4

9,980,648

excluding the \$5,000,000, paid for Florida.

The three years of the present administration.

\$12,427,755

This steady progressive increase of expenditure, they said, afforded just cause of alarm ; and although the Executive was not solely responsible for the aggregate expenses, as many of them were the result of legislation by congress ; still, the amount was made up of sums, the disbursement of which depended on his discretion, and the appropriations were made on the executive estimates and recommendations, for which he was primarily and ultimately responsible. Strong inferences were drawn against the frugality, and even the purity, of the present administration ; and the committee, in conclusion, stated, that the session was too far advanced to allow of any of the proposed reforms to be acted on at present, but that it contemplated to bring in bills for that purpose, at some future period.

The minority of the committee did not concur in the view given of the comparative economy of the present administration, and offered a counter report on the subjects submitted to their consideration. This report, admitting the increase of general expenditure, went on to justify it, and to vindicate the present administration from the charges of extravagance in expending the public moneys, and carelessness in the application of the various contingent funds of the government. The public expendi-

tures was divided into two general heads.

1. For objects of public service.

2. For the official agency by means of which that service is carried on, and the expenses incident to that agency.

The expenditures under the first head, constituting the great mass of payments from the treasury, depend entirely upon the wisdom of congress, by whose direction they are made. They are regulated by the nature and extent of the establishments, created and maintained by order of congress, and of the services directed by law to be performed for the benefit of the country.

The greater part of the second class of expenditures, are also regulated by congress. They chiefly consist of fixed salaries payable to officers created by law. The number of clerks, and other persons employed in each department, and their compensations, are all fixed by law, and they cannot be diminished, except by act of congress.

For the other, denominated contingent expenses, such as fuel, stationary, office furniture, and the like, appropriations are made, founded upon estimates annually furnished to congress, and there subjected to rigid examination. The proportion which these expenses bear to the whole, is but small.

Thus, when the whole executive expenses amounted to \$489,776, the allowance for contingent expenses amounted only to \$80,905.

The expenditure of this sum must be duly accounted for to the accounting officers of the government, and is subjected to the same scrutiny as all other accounts.

The expenditures under the second head, being incident to carrying the laws into effect, every enactment increasing the branch of public service confided to the care of either of the departments, must produce an augmentation of the expenses of that department.

Congress originates the measures to be pursued, and provides the means of carrying them into effect. Upon the will of that body, therefore, must the aggregate expense of the government depend, and the aggregate expense of the executive department must bear some relation to the total aggregate of the first class of public expenditures.

These are divided into five heads, civil, miscellaneous and diplomatic, and the military and naval establishments.

The civil expenses include those of the congress, executive department, territorial governments, and the judiciary, and amounted, in the year 1826, which was taken from an example, to \$1,256,745.

The miscellaneous consist of the mint, lighthouses, marine hos-

pital, public buildings, survey of public lands, roads and canals, and incidental expenses, and amounted to \$1,110,713.

The diplomatic comprehend the expenses of foreign intercourse, payments under various treaties, relief and protection of American seamen abroad, amounting to \$232,719.

The military establishment, including the pensions, continuation of Cumberland road, military academy, Indian department, &c. amount to \$6,243,236, and the naval establishment to 4,218,902.

It is obvious, from an inspection of the items, that the aggregate is the result of the deliberate decision of congress, upon the several branches of the public service, after a careful examination of the wants and means of the nation. The different appropriations have all been repeatedly discussed, in general and in detail, and the presumption is, that they are not greater than they ought to be. The expenditure, however, has not exceeded the income; no new debt has been contracted; on the contrary, a large portion of the pre-existing debt has been discharged, and a surplus of above \$6,000,000 left unappropriated in the treasury.

The mere fact that the expenditure has been constantly increasing, so far from being a just cause of alarm, was what every friend of his country might have expected. It

is the effect, and, in some measure, also the cause of the growth and the increasing prosperity of the nation. During the administration of Washington, when the average expenditure was but \$2,794,222, the average population of the United States was about four millions and a half. It is now about twelve millions.

The valuation of real estate in 1799, amounted to \$619,977,000 ; in 1815, it amounted to \$1,902,296,000.

During the period first mentioned, there were but thirteen states, represented by sixty-five members in the house, and twenty-six senators. Now there were twenty-four states, represented by two hundred and thirteen members and forty-eight senators.

The contingent expenses of congress in 1796, the largest of the first period, were but \$11,550 ; in 1826, they amounted to \$66,000.

The whole civil list in that year cost but \$447,139. In 1824, the expenses of congress alone amounted to \$600,956 ; in 1826, to \$597,698.

Comparisons, however, of one year with another, or of the average of expenditures for given periods, must prove unsatisfactory and inconclusive. Such comparisons would prove that one congress was extravagant, compared with another ; that the average expenditure during Mr. Jefferson's admi-

nistration, was nearly double what it was during General Washington's ; and that under the presidency of Mr. Madison, there was an addition of one fifth to the average annual expenditure.

The only true rule to determine, whether an expenditure is extravagant or economical, is its character, and not its amount. To arrive at any satisfactory result, it would be necessary to examine each specific expenditure, its relation to the general concerns of the country, and then to decide whether it was equivalent to its object. This is the very work that congress is constantly engaged in, and has been occupied with from the commencement of the government.

Every expenditure originated in some measure, which congress has decided to be proper ; and its continuance is owing to the continued conviction of that body, that the measure is suited to the circumstances and wants of the country. If the same amount of service should cost more at one time than at another, it might naturally lead to inquiry ; but if the amount of service has been increased, or the objects of expenditure multiplied, its increase is a matter of course.

The amount of public revenue bears nearly the same proportion to the population of the United States, that it did at the commencement of the government. The individual contribution of each citi-

zen, in 1796, (by which time the organization of the fiscal system began to produce its results,) was \$1.50. It now amounts to but \$1.66; a difference not equivalent to the diminished value of money, and not at all in proportion to the augmented resources of the country. Since that period, a navy has been created, and a department for that branch of the public service established; lighthouses have been erected; the harbours on the sea coast, and the navigation of the rivers in the interior improved; security provided in case of war, by extensive fortifications; assistance afforded to internal trade and intercourse by public surveys and national roads and canals, now constructed, or in a course of construction; and provision made for the declining years of the soldiers of the revolution.

The amount of the public debt created by the purchase of Louisiana and Florida, and by the late war, has been diminished as fast as the terms of the loans would admit; and still a large surplus revenue accrues each year, from the imposts on importations. The manner in which this revenue has been expended upon the above objects, under the direction of Congress, has, in general, met with the approbation of the people.

Not that there has been an entire unanimity of opinion on this point. Many, who entertain a radical difference of opinion as to the

extent to which the powers of the federal government ought to be exercised for the benefit of the nation, object, of course, to this augmentation of expenditure, as the means by which these disputed powers are exercised. They regard it with jealousy, and are disposed to check it, as tending to overturn their favourite doctrines. Those who hold the contrary doctrines, and who, believing that government possesses these powers, are willing that they should be exercised to effect objects at once legitimate and necessary, approve of such reasonable expenditure as the public means will warrant, and the circumstances of the country require.

The whole question therefore is, whether the systematic policy of the government, after having received the deliberate and repeated sanction of many successive congresses, shall be abandoned or maintained. Whether the expenditure is to be hereafter increased, is a question for the decision of congress; but in the progressive augmentation of expenditure, so long as the revenue is more than sufficient to meet the current expenses, and to discharge the public debt as fast as it becomes redeemable, the minority of the committee found nothing to indicate the necessity of retrenchment or reform, or to induce the belief, that the government had departed from its original purity.

The report then proceeded to ex-

amine into the second class of expenditures ;—those of the executive branches of the government.

Those expenses for 1826, the year taken for an example, amounted to \$489,776, about one fiftieth of the whole expenditure.

Of this sum more than \$400,000 was composed of compensations fixed by law, which could neither be increased or diminished by the executive. The residue, amounting to about \$80,000, formed the contingent funds of the government. These contingent expenses were so called, not because they were not necessary and certain ; but because they were for items, such as fuel, furniture, stationary, &c., the amount of which could not be ascertained with precision, in advance.

Estimates, however, were made and sent in, each session, to congress, of the probable amount wanted, and the sums appropriated were duly accounted for, at the treasury department. A report was also made annually, and published, containing the names of all persons, to whom these, or any other sums, are paid from the treasury, with the amounts received by them respectively. Standing committees were also appointed by the house, at each session, to examine into the expenditures of each department, and to compare them with the vouchers. The minority were of opinion, that this branch of public expenditure, was sufficiently well guarded:—

Neither did they concur with the majority of the committee, in their inferences, as to the extravagance of the administration, from the increased amount of the contingent expenses of the government. In the years 1826-'27, it became necessary, in consequence of the provisions of the law, authorizing the loans of 1813 and 1814, to incur an expense of \$12,000 for advertising, which amount was included by congress in the appropriations for contingent expenses. This illustration proved that this branch of expenditure, was subject to the influence of temporary and unforeseen causes. The only generally and constantly operating cause influencing it, was, that the extension of the public service, would produce an increase of public expenditure, and among the rest, of the contingent expenses. Tested by this rule, the result was, that while the average annual expenditure of the years 1822, 1823, and 1824 amounting to \$10,000,000, was accompanied by an average contingent expense of \$66,793 ; the increased average expenditure, during the years 1825, 1826, and 1827, of \$12,500,000, occasioned an average contingent expense of but \$77,454 : the increase of expenditure being one fourth, and the increase of contingent expenses being only one sixth. The comparison, therefore, so far as it proved any thing, established an impro-

ved economy in the executive department.

The minority then proceeded to examine the comparative statements in the report of the majority of the committee, of the expenses of the different departments.

In the state department, they stated that the small appropriation in 1823, was owing to there being a large unexpended balance of the \$100,000, appropriated for the South American missions; and that an appropriation of \$89,550 only, was asked for the service of the year 1828. This small appropriation only was required in consequence of the savings out of the appropriations of former years.

As to the secret service fund, the minority thought it necessary. It had been found so, by every preceding President of the United States, and its expenditures must, of course, be under the obligation of secrecy.

An offer was made to the committee to explain, confidentially, some expenses under this head, to which, objections were made; but as the majority had determined against receiving such confidential explanation, the propriety of such expenditure must be left, where it had been placed by congress, to the discretion of the executive.

The aggregate of contingent expenses in the treasury department, being less, during the three years of the present, than during the three

years of the last administration with which they had been compared, no explanation was required; but the minority doubted the propriety of altering the mode by which the public moneys were disbursed, and thought that a greater simplification of the system might render it too easy to get money out of the public treasury. They also thought, that the manner in which the present system of accounting had been formed, argued great deliberation in its formation; that it had fully answered the expectations of the public, and they saw no reason to concur in the recommendation to abolish the offices of second comptroller, and second auditor. They concurred in the recommendation to constitute a board, to superintend suits brought by the United States, with a law officer at its head; but doubted the propriety of devolving that duty upon the attorney general.

The increase of contingent expenses in the navy department, amounting to an average annual increase of \$648, was accompanied by an actual increase of the business of the service, of nearly one-fourth. During the first period, (viz. 1822, 1823, 1824,) the amount appropriated for the naval service, was

\$8,646,577

During the second period, (1825, 1826, 1827,) it was

\$10,601,836

During the first period, the extra clerk hire amounted to

\$713

For stationary,

\$1,686

During the second period, for extra clerk hire,	\$2,153
Stationary,	\$2,266

These two items alone, constituted the whole difference referred to.

The expenditure through the war department, comprehended various expenses besides those of the army, such as fortifications, pensions, Indian affairs, and internal improvements. Only a small portion of those expenses were within the discretion of the department; the larger part were directed by law.

According to a synopsis of three successive periods, of three years each, there appeared to be a tendency to increased economy in the first class. The gross expenditures of the two periods between which a comparison was instituted by the majority, showed an apparent result against the present administration, amounting to \$1,627,175.

Of this sum, however, \$801,216 were composed of additions to the sums annually appropriated to fortifications during this administration, beyond what had been appropriated during the same period under Mr. Monroe.

Another item of \$500,000 appropriated for extinguishing the Creek title to lands within the limits of Georgia, formed another portion of the excess, and the residue was composed of augmented appropriations for arming the fortifications ;

erecting arsenals ; extending the Cumberland road, &c. These items, growing out of positive legislation, together with an addition to the pay of captains and subalterns, by act of congress, relieve the department from the responsibility of the augmentation of expenditure, and show that it was caused by causes beyond its control.

Respecting the expenses of the legislative department of the government, while the minority were convinced that they have increased in a greater proportion than those of the executive, they did not conclude that this increase was caused by want of economy.

No doubt was entertained that it would be desirable to shorten the sessions, and to reduce the expense of public printing. Still these topics were so intimately connected with the public business, a part of which was always left unfinished by congress, that they were unwilling, hastily, to suggest a remedy.

The minority in conclusion observed, that some of the topics commented upon in the report, were new topics introduced in that general report, which was submitted to them, for the first time, the morning of the 15th of May, and that, having no previous notice of those matters, they had prepared no explanation.

These reports, of which six thousand copies were ordered by the house to be printed, for distribution

among their constituents, brought the question directly before the public, for its decision. On one side, the augmented expenditure of the government was relied on, to prove the extravagance of the administration; and, on the other, this increase was shown, to be a necessary result of the policy deliberately adopted by the nation. The continuance of this policy was, therefore, properly the question to be decided; but so much of personal predeliction and sectional prejudice entered into the contest, that this question, the real one in issue, was not fairly tried. While those who opposed the policy, united in overturning an administration, which had carried it into effect to the extent of its means; its advocates suffered themselves to be divided by other topics, which were skilfully introduced with the view of disuniting them.

Some of those topics have been enumerated in the commencement of this chapter. Others were introduced, tending still more to inflame the public mind, and to prevent it from expressing an unbiassed judgment upon continuing the existing policy of the country. In the excited state of popular feeling, the character and services of both candidates were overlooked; and even congress, in more instances than one, by a party vote, manifested that it had forgotten that some respect was due to the high

and honourable station held by one of the candidates.

The example thus given by men, from whose character and station better things might have been expected, was not without its effect upon the community. In conducting the political discussions, which followed the adjournment of congress, both truth and propriety were set at defiance. The decencies of private life were disregarded; conversations and correspondence, which should have been confidential, were brought before the public eye; the ruthless warfare was carried into the bosom of domestic life; neither age nor sex were spared; the daily press teemed with ribaldry and falsehood; and even the tomb was not held sacred from the rancorous hostility which distinguished the party warfare of the presidential election of 1828.

Judging from the public press, no one could have deemed that one of the candidates was a gallant and successful soldier, who had, with unequalled self-devotion and patriotism, rendered to his country important services in the field, and that he had, on various occasions, manifested rare qualities of decision, firmness, and sagacity—that the other was the chief magistrate of the Union; a man of extraordinary talents and learning, of tried patriotism, of blameless morals, and unimpeachable integrity, and whose whole life had been devoted to ren-

dering equally important services to his country, as a legislator and statesman. In this excited state of public feeling, the presidential election took place, and resulted in the defeat of the administration party, after an animated contest, and the most strenuous exertions on both sides. In the electoral colleges, the vote stood, 178 for General Jackson, 83 for Mr. Adams. (Vide table, *infra*.)

The election having terminated unfavorably, Mr. Adams, and the members of his administration, turned their attention to closing the business committed to them, and to presenting to the nation a full and clear statement of the existing state of public affairs, before they gave place to their successors. This was done in the President's annual message, and in the reports

	<i>Jackson.</i>	<i>Votes at the polls.</i>	<i>Adams</i>	<i>Votes at the polls.</i>
Maine,	1	13,927	8	20,733 Districts.
N. Hampshire,	0	20,922	8	24,124 General Ticket.
Massachusetts,	0	6,016	15	29,876 Do. do.
Rhode Island,	0	821	4	2,754 Do. do.
Connecticut,	0	4,448	8	13,838 Do. do.
Vermont,	0	8,350	7	25,363 Do. do.
New-York,	20	140,763	16	135,413 Districts.
New-Jersey,	0	21,951	8	23,764 General Ticket.
Pennsylvania,	28	101,652	0	50,848 Do. do.
Delaware,	0		3	Legislature.
Maryland,	5	24,565	6	25,527 Districts.
Virginia,	24	26,752		12,101 General Ticket.
N. Carolina,	15	37,857		13,918 Do. do.
S. Carolina,	11			Legislature.
Georgia,	9	19,363		No opp.—Gen. Ticket.
Alabama,	5	17,138		1,938 General Ticket.
Louisiana,	5	4,603		4,076 Do. do.
Mississippi,	3	6,772		1,581 Do. do.
Tennessee,	11	44,293		2,240 Districts.
Kentucky,	14	39,394		31,460 General Ticket.
Ohio,	16	67,597		63,396 Do. do.
Indiana,	5	22,257		17,052 Do. do.
Illinois,	3	9,560		4,662 Do. do.
Missouri,	3	8,272		3,400 Do. do.

Mr. Calhoun obtained the same votes for Vice President, that General Jackson did for President, except seven votes in Georgia, which were thrown away upon William Smith, of South Carolina.

Mr. Rush received the whole vote of the administration party, for Vice President.

from the different departments to congress. The message was a concise and masterly account of the condition of the country. It was not sullied by any allusion to the past contest, nor by any reference to the motives or conduct of his opponents. It recommended to congress the different subjects, which, in the opinion of the President, required the attention of that body, and concluded by an expression of his continued wish for the adoption of the measures formerly recommended by him. The contest being over, the business of congress was transacted with less interruption from political discussions than usual, and this session was characterized by greater freedom from party asperity, than the last. On the third of March, the President having previously left the government palace, relinquished the executive powers; and the oath of office being administered by the Chief Justice, to Gen. Jackson, he entered upon the administration of the government of the United States.

Thus terminated the administration of John Quincy Adams; and whatever opinion may be entertained of its policy, and its tendency, it cannot be denied that its character was marked and definite; and that it exercised a strong influence upon the interests of the country. The merits and demerits of his policy were positive, and not negative. Certain

definite objects were proposed as desirable, and the energies of the government were directed towards their attainment.

The United States, during this administration, enjoyed uninterrupted peace; and the foreign policy of the government had only in view the maintenance of the dignity of the national character; the extension of its commercial relations; and the successful prosecution of the claims of American citizens upon foreign governments.

A portion of these claims upon Sweden and Denmark, was obtained, and the claims which arose against the Brazilian government, during the war between that power and Buenos Ayres, were speedily adjusted by the liquidation of the claims. The exorbitant pretensions of Great Britain, respecting the West India trade, were resisted, although at the expense of the direct trade between the United States and the British islands.

The difficulties which occurred in carrying into effect the treaty of Ghent, relative to deported slaves, and other property taken away, having been found insurmountable, the sum of \$1,204,960, which was amply sufficient, was obtained from the British government in satisfaction of these claims. A convention was also concluded with that government, and a mode provided for the peaceable settlement of the long pending, and finally threat-

ening dispute concerning the north-east boundary of the United States. The treaty of commerce between the United States and Great Britain, and the convention effecting a temporary compromise of their conflicting claims to the territory west of the Rocky mountains, both of which expired by their own limitation, Oct. 20th, 1828, were renewed for an indefinite period, with liberty to either party to terminate them, on giving one year's notice. Some commercial difficulties, which grew out of an adherence of the government of the Netherlands, to the principles of discriminating duties, were adjusted to mutual satisfaction. New treaties of amity, navigation and commerce, in which the liberal principles maintained by the United States, in her commercial and foreign policy, were generally recognised, were concluded with Columbia, Austria, Sweden, Denmark, Guatemala, and the Hanseatic league.

It was, however, in the domestic policy of the government, that the character of the administration was most strongly displayed. During its continuance in office, new and increased activity was imparted to those powers vested in the federal government, for the developement of the resources of the country; and the public revenue liberally expended in prosecuting those national measures, to which the sanc-

tion of congress had been deliberately given, as the settled policy of the government.

More than one million of dollars had been expended in enlarging and maintaining the light-house establishment; half a million in completing the public buildings; two millions in erecting arsenals, barracks, and furnishing the national armories; nearly the same amount had been expended in permanent additions to the naval establishment; upwards of three millions had been devoted to fortifying the sea coast; and more than four millions expended in improving the internal communications between different parts of the country, and in procuring information, by scientific surveys, concerning its capacity for further improvement. Indeed, more had been directly effected by the aid of government, in this respect, during Mr. Adams' administration, than during the administrations of all his predecessors. Other sums, exceeding a million, had been appropriated for objects of a lasting character, and not belonging to the annual expense of the government; making in the whole, nearly fourteen million dollars, expended for the permanent benefit of the country, during this administration.

At the same time, the interest on the public debt was punctually paid, and the debt itself was in a constant course of reduction, having been diminished \$30,373,188 du-

ring this administration, and leaving due, on the 1st of January, 1829, \$58,362,136. Whilst these sums were devoted to increasing the resources, and improving the condition of the country, and in discharging its pecuniary obligations; those claims which were derived, from what are termed the imperfect obligations of gratitude and humanity, were not forgotten.

More than five millions of dollars were appropriated to solace the declining years of the surviving officers of the revolution; and a million and a half expended in extinguishing the Indian title, and defraying the expense of the removal, beyond the Mississippi, of such tribes as were unqualified for a residence near civilized communities; and in promoting the civilization of those who, relying on the faith of the United States, preferred to remain on the lands which were the abodes of their fathers.

In the condition which we have described, in peace with all the world, with an increasing revenue, and with a surplus of \$5,125,638 in the public treasury, the administration of the government of the United States was surrendered by Mr. Adams, who became a private citizen, to Gen. Jackson, his successor. We cannot characterize the course, the policy, and the fate

of his administration, better than by an extract from Edmund Burke's description of the administration of Lord Chatham—"A great and celebrated name, it may be truly called,

*"Clarum et venerabile nomen
Gentibus, et multum nostræ quod prode-
rat urbi."*

"The venerable age of this great man, his merited rank, his superior qualities, his eminent services, the vast space he fills in the eye of mankind; and, more than all the rest, his fall from power, which, like death, canonizes and sanctifies a great character, will not suffer me to censure any part of his conduct. I am afraid to flatter him; I am sure I am not disposed to blame him. Let those who have betrayed him by their adulation, insult him with their malevolence. But what I do not presume to censure, I may have leave to lament. For a wise man, he seemed to me, at that time, to be governed too much by general maxims.

"In consequence of having put so much the larger part of his opposers into power, his own principles could not have any effect or influence in the conduct of affairs.

"When he had executed his plan, he had not an inch of ground to stand upon. When he had accomplished his scheme of administration, he was no longer a minister."

CHAPTER II.

Tariff.—General view of the subject.—Former Impost Bills.—Harrisburg Convention.—Congressional proceedings.—Resolutions to examine witnesses.—Bill Reported.—Proceedings in House.—In Senate.—Passage of Bill.—Excitement at the South.—Acquiescence in the Law.

AMONG the most prominent measures which engaged the attention of the 20th Congress, was that for the alteration of the tariff. The loss of the woollens bill; at the close of the last congress, had produced much excitement in the northern and western states; and measures had been taken, to urge the subject upon the favourable consideration of that body when it re-assembled. The general reasons, briefly stated in the last volume in favour of the protection of domestic manufactures, had lost none of their force in the public mind; and other reasons, derived from the operation of the revenue systems of foreign countries, upon our trade, gave additional validity to those topics which were usually urged in favour of manufactures at home.

The illiberal commercial system of Great Britain, excluded from her ports the staple productions of the northern and western states; and only the produce of the

south was admitted in return for the admission of all British manufactures, into the ports of the United States. It was similar in principle, though not in degree, to a commercial system, which should exclude all the productions of the United States, except the sugar of Louisiana, from British ports, while her manufactures were admitted without restraint into this country.

A system so partial and oppressive in its operation upon the interests of all the grain-growing states, had long called for the interposition of the American government. The inhabitants of those states had been compelled, by the inadequate returns which agricultural pursuits afforded, to turn their attention to other employments. Commerce was found to be less profitable, after the peace in Europe augmented competition in the carrying trade; and manufactures were the only resource left for the surplus capital and unemployed labour of the country.

By the operation of these circumstances, a strong feeling was produced in favour of an augmentation of the tariff on British manufactures among two classes of citizens; and its policy defended on two distinct grounds, although it had in view the same ultimate end. These were, to carry out the principles of reciprocity which pervaded the commercial system of the United States, and to tax the admission of the British staple manufactures, in some proportion to the duty imposed on the importation of the great staples of the United States, into British possessions; and the other, which was rather a consequence than an end, to create employment for American capital and labour, and at the same time to build up the manufactures of the country, and to naturalize the arts of Europe on the American continent.

This was, indeed, the inevitable consequence; and any augmentation of the tariff must necessarily lead to such a result, so long as the nation was bound by treaty, from making any distinction between the productions of England and those of any other country. These conventional stipulations compelled congress to place British manufactures on the same footing with those of all other nations; and by preventing a strict application of the principles of reciprocity, induced that body, in increas-

ing the tariff, to keep in view the ability of the country to supply its wants, and to sustain permanently the manufacture, for whose protection the duty was to be imposed. The duty to be laid would necessarily enhance the price of the article, until the encouragement afforded by high profits had brought capital into that branch of business, and reduced the price, by domestic competition, to the lowest rate of profit. The manufacture then being established, would either subsist by its own power of sustaining itself, even if the protecting duty should be taken off; or if it could not compete with the foreign manufacture, the capital invested in the business would prevent any diminution of the duty, except some extraordinary change in the commercial policy of the country should justify the sacrifice of so much capital. The policy, therefore, must prove permanent; and such laws could not, like other retaliatory commercial regulations, be removed, when they had produced a melioration of the prohibitory laws of other nations. The laws were, however, designed to regulate commerce; and, although such considerations, and the collateral consequences of adopting such a policy, compelled congress to take into view its effects upon the domestic industry of the country: it was strictly retaliatory in its character, and was one of those pow-

ers originally vested in the federal government, for the purpose of protecting American trade from the hostile legislation of the colonial powers of Europe. The greatest portion of the commerce of the United States being with Great Britain, the policy chiefly affected her manufactures; and the course of trade with that power formed the data upon which its details were established.

The annual importations from Great Britain amount to about \$28,000,000, of which, between seven and eight millions consist of cotton, and a like amount in woollen goods; and between three and four millions of iron, steel, and hardware.

The productions of the United States, exported in exchange for this amount, consist almost solely of the produce of the planting states; the cotton, rice, and tobacco alone amounting, according to the custom house returns, to \$28,000,000 annually, of which, about \$24,000,000 are sent to Great Britain. The produce of the grain-growing states being excluded from Great Britain, the exchange is confined to the produce of the planting states, for British manufactures; of which, about four fifths are consumed by the inhabitants of the other states. The equilibrium of trade is restored by the consumption, at the south, of northern produce and manufactures; so that as between the dif-

ferent portions of this country no difficulty exists; but with Great Britain an inequality arises, from the trade being forced by her revenue laws, from its natural course of a direct exchange of grain and lumber for cotton and woollen manufactures, to a circuitous route; compelling the farmers of the eastern and western states to carry their produce to a disadvantageous market, in exchange for what they consume. American capital and industry are thus forced from their natural employments, by foreign commercial regulations; and the unfavourable operation of this system upon the northern and western states, produced a general feeling in favour of retaliatory measures; and congress was called upon by the inhabitants of those states, to augment the duties on the staple manufactures of Great Britain, in order to bring home to her some of the evils, which her monopolizing policy was inflicting upon other countries. This feeling, which was the origin of the tariff policy, was manifested more strongly after the pacification of Europe. Previous to that event, impatience had sometimes been manifested, at the partial character and oppressive effect of the British corn laws upon American commerce; and various attempts were made to modify our revenue system, with the view of retaliating upon British manufactures. Some principles of this

character were engrafted in the first revenue law passed by the federal government; and the demand for American productions, created by the convulsions in Europe, alone prevented the vigorous prosecution of the policy. In 1816, another step was taken, and increased duties were laid upon many foreign manufactures. This law was enacted rather to prevent anticipated evils, than to remedy any actually felt. It was not, therefore, so much the result of public opinion, as an exertion of foresight on the part of congress. A few years of experience, under the uninterrupted operation of the commercial regulations of the two countries, demonstrated that inequalities still existed, and produced the conviction that a further modification of our revenue laws was necessary, for the protection of our trade, and to insure its admission into the British market. The people themselves took the lead, and gave the impulse to congress. An unsuccessful attempt was made in 1822. In 1824, the attempt succeeded, and various augmentations in the imposts were made, with the view of protecting American manufactures, and to secure to them the domestic market.

On some articles of foreign manufacture, and more especially, on the great British staple of cotton cloths, duties were imposed almost prohibitory, except on those of the

finer kind; and the experience of a few years, established our ability to supply ourselves with manufactured cottons, upon better terms than they could be procured from England.

On woollen manufactures, the duty imposed in 1824 proved inadequate for protection; and the languishing state of that manufacture indicated the ruin of those engaged in it, without further legislative encouragement. This encouragement was also asked, on the ground, that the British Parliament, contemporaneously with the passage of the law of 1824, and with the view of defeating it, modified its revenue laws for the purpose of placing the British woollen manufacturer, upon a better footing than he was before. As the law of 1824 was intended to give to the American, a comparative advantage over the British manufacturer; there was an obvious propriety, provided the policy was correct, in adopting further measures counteracting the British acts, passed with the view of defeating that object. Upon these grounds, and other considerations of a general nature, which were set forth in the introduction to the tariff discussion in the last year's Register, application was made to the 19th congress, for an increase of duties on imported woollens. After a long, and animated discussion, the bill received the sanction of the house, 106 to

95 ; but was laid on the table (which was equivalent to rejection) in the senate, by the casting vote of the Vice-President. Steps were immediately taken, to bring the subject again before congress ; and a general convention of delegates from the states was held at Harrisburg, with the view of concentrating public opinion, and to obtain an harmonious co-operation in the measures to be taken, for the encouragement of domestic manufactures.

In the convention which assembled on the 30th July, 1827, delegations appeared from the states of New-Hampshire, Massachusetts, Rhode-Island, Connecticut, Vermont, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Ohio, Kentucky, and Virginia. The more distant states were not represented, in consequence of the short interval between the first call of the convention, on the 14th of May, and the time of meeting ; and the inhabitants of the southern states, being inimical to the whole policy, took no steps to appoint delegates. The convention proceeded to inquire into the state of the manufactures of the country ; and after much deliberation, and investigation, recommended a memorial to congress, asking an augmentation of duties, on the following articles.

To augment the duties on cottons, by increasing the minimum value to 40 cents per square yard.

On bar iron, from 90 to 112 cents

per cwt. ; to impose a duty of one cent per lb. on hammered bar iron, and a corresponding advance on steel.

On raw wool, costing over 8 cents in a foreign country, 20 cents per lb., with an annual increase of $2\frac{1}{2}$ cents per lb., until it amounts to 50 cents per lb.

And on woollen manufactures, an ad valorem duty of 40 per cent. ; and with an annual increase of 5 per cent. until it amounted to 50 per cent, and to be estimated in the following manner. The minimum valuation, to be fixed at 50 cents per square yard ; all goods, costing over 50 cents, to be valued at \$2 50 per square yard ; all goods, costing more than \$2 50, to be valued at \$4 per square yard ; and all goods costing over \$4, and not more than \$6, to be valued at \$6 ; on woollens of a higher price, a similar ad valorem duty was to be imposed. Blankets, stuffs, bombazines, hosiery, mits, caps, and bindings, were to be excepted from these duties ; but additional protection was recommended for blankets ; and some measures to prevent the frauds of the foreign manufacturer, and his agents, on the revenue. Further protection was generally recommended to the grower and manufacturer of hemp and flax ; and some measures to discourage the importation of foreign spirits, and the distillation of spirits from foreign materials.

A memorial to this effect was

accordingly, unanimously recommended, and the convention adjourned.

This step provoked much animadversion on the part of those, who were opposed to this policy. The convention was attacked as sectional in its character, and as unconstitutional in its tendency. Measures proposed in a convention, in which only one interest was represented, would necessarily be partial, and operate injuriously upon the other interests of the country. The southern states, not being directly interested in manufacturing, were adverse to any measures for the encouragement of that interest; and they were called upon to array themselves against the proposed modification of the tariff. The commercial intercourse with Europe now consisted of the exchange of the southern staples, for manufactures; and any disturbance of the existing state of things, would prove injurious to the planting interest. The produce of that interest now served as the means of payment, for the whole national consumption of European manufactures; and the diminution of that consumption, would necessarily lessen the demand for their produce. Such were the obvious motives presented to the planters of the south, to justify their opposition to the tariff policy.

On the other hand, it was contended, that a convention, repre-

senting the same interest, in all portions of the country, would be able to present its claims to the consideration of congress, with more weight, as founded upon better, and more extensive information; and would concentrate a greater body of public opinion in its favour.

Any effect, thus produced upon the deliberations of congress, would be favourable to a just conclusion. Ample time would be given for obtaining accurate information, and for previous discussion; and the representative, coming with a full knowledge of the interests and opinions of his constituents, his determination would probably be merely the embodying of public sentiment. After mature consideration, an impost system, based upon such a foundation, would be, what all such laws should be, stable, permanent, and become part of the established policy of the government.

That it was sectional in its character, was true. But this happened, because the different sections of the country had different interests. The manufacturing interest belonged to the northern, middle, and western states; and their inhabitants, of course, took the preliminary measures for its encouragement. It did not, however, necessarily follow, that the south was not interested in the adoption of the same policy. It was contended, that the indirect benefits to the south, from the increased consumption of its

great staple, in the domestic factories, would be more than equivalent to any loss from the diminution of British consumption. But, if they were not, still it was asked, was there any wisdom in sacrificing the great staples of the other states, in order to procure the easy admission of the southern staples, into the European market. In deciding between the claims of conflicting interests; their relative magnitude and importance afford the best criterion for a correct judgment; and when brought to that test, the claims of the grain-growing sections were greatly the strongest. The proportion between the population of the planting and the other states, is about one to three; and the difference in the value of their productive labour, much greater; and yet, the existing commercial regulations of Great Britain compel us to sacrifice all other staples, to those of the south. An enlarged view of our national interests, should induce a speedy adoption of counteracting regulations. The course of affairs in Europe, previous to the late war, opened a market for our grain, and furnished employment for our shipping; but the general pacification, producing a different state of things, compels us to modify our commercial system, although it should disturb the existing laws which control the investment of capital.

These considerations, connected with others more immediately

affecting the manufacture of woollens, had produced a distinct division of public sentiment previous to the meeting of congress; and while the great body of the people in the north and west, composing four fifths of the free population, were favourable to an increased protection of manufactures, the inhabitants of the southern states, were warmly opposed to the whole policy.

Such was the state of public opinion when the 20th Congress assembled; and as it was generally believed, that the course respectively taken by the parties supporting and opposing the administration on this question, would materially affect their prospects of success; much anxiety prevailed concerning the view, which the President might feel bound to take of this subject in his annual message.

The north-western states, and Pennsylvania, were well known to be tariff states; and their vote, it was predicted, would depend entirely upon the division of parties upon this question.

Contrary to general expectation, no notice was taken of the subject in the opening message to congress; but in the annual report from the Secretary of the Treasury, on the 10th of December, an elaborate view was taken of the manufactures of the country, and their encouragement and protection warmly recommended.

In the house, the standing com-

mittee on manufactures was chosen by the speaker;* and it was then publicly stated, that a majority of this committee was opposed to the tariff policy. The friends of the speaker asserted, on the contrary, that five out of the six were from tariff states, and that only one member of the committee was decidedly opposed to the tariff. To this it was replied, that it was true, that six of the committee were apparently friendly to the tariff policy; but that in reality, two only were friendly, and one only opposed, while the other members of the committee were disposed to use the question as a political engine; and that no law could be expected from a committee so constituted, but one which would be framed more with a view, to affect public opinion in relation to the approaching presidential election, than to advance the manufacturing interest.

To the committee, thus formed, the petitions which flowed in from all portions of the country, both for and against an increase of duties, were referred. The resolutions which also were transmitted to Congress from the legislatures of Rhode Island, New-York, New-Jersey, Pennsylvania, Ohio, and Indiana, in favour of an augmentation of duties, and those from Virginia, North Carolina, South Caro-

lina, Georgia, and Alabama, in opposition to that measure, were also referred to the same committee.

On the 31st of December, the chairman of the committee, Mr. Mallary, by direction, submitted a resolution, that the committee be vested with power to send for persons and papers. In submitting this resolution, Mr. Mallary stated that he offered this resolution in obedience to the instructions of the committee. He had, however, opposed its passage in the committee, and he should vote against it in the house.

Mr. Strong said, he considered the resolution to be extraordinary in its character; but he hoped that some member of the committee would show some reasons, why it should be clothed with that power.

Mr. Stevenson stated, that the reasons which induced him to agree to the resolution were, that the memorials praying for an increase of the tariff, did not agree as to the facts upon which their prayer was grounded. They do not enter sufficiently into detail, to enable the committee to draw any satisfactory conclusions. The object of the resolution is, to furnish the committee with more certain evidence; and to enable it clearly to determine on what articles an increased duty is required, and to

* Messrs Mallary, Vt. Stevenson, Pa. Condict, N. J., Moore, Ken. Wright, N. Y. Stanbury, Ohio, and Martin, S. C.

fix the amount of protection where any is required. The facts, too, which were thus obtained, will aid them in forming a judgment, as to the mode and manner of fixing that amount, and the bearing of the duty on the principle of protection itself.

The object of the committee was to obtain precise and authentic information ; but if the house thought that it had better proceed with the information already in its power, the committee was willing to proceed; but it ought then to be exonerated from all errors which it might fall into, from want of better information.

Mr. Stewart rose to offer a substitute to the resolution, by which the house declared it to be expedient, to increase the duties on certain imported articles ; but the speaker decided the motion to be out of order.

Mr. Strong objected to the passage of the resolution. This subject had been before Congress for about ten years. All the information that can possibly be elicited, is to be found in the records and reports of the house.

Where does the committee propose to send for persons and papers? Will the messengers go to Philadelphia, or New-York? Will they stop at Boston, or will they go to Machias, and New-Orleans? What, too, is the nature of the process demanded? Whoever is attached by that process, must come

here. His business must be suspended, and he must attend. This power is usually given to inform the judgment of the house, in its inquisitorial capacity, to enable it to detect the guilty, and to bring them to punishment. Its object now is, to inform the judgment of an ordinary committee. It was an unprecedented exercise of power ; and he did not believe that the people would submit to it.

Mr. Storrs thought the resolution unnecessary, and that its passage would defeat the whole measure. He hoped that it would be rejected, and that the committee would give the house a project of its own. He concluded, by demanding the yeas and nays, which was agreed to.

Mr. Oakley thought, that the resolution was too general in its terms. With the view of making it more explicit, he moved to amend it by adding "with the view to ascertain and report to this house, such facts as may be useful to guide the judgment of the house in relation to the revision of the tariff of duties on imported goods." The debate continuing, Mr. Oakley withdrew his amendment, and offered a substitute for the original resolution, by which the committee were empowered to send for, and to examine persons on oath, concerning the present condition of our manufactures, and to report the minutes of such examination to this house.

Mr. Livingston was in favour of

the resolution. The proposition, indeed, was new. It was too new in our legislation.

In Great Britain, where the parliament sits in London, and where every member has information at hand; there is not a single commercial measure of importance brought forward, where the power of examination is not resorted to. It is a most reasonable practice, and especially in this place, several hundred miles distant from our mercantile marts.

Mr. S. Wood denied that the house had this power, except in contested elections, and malversations in office.

Mr. Burgess proposed to suspend the discussion, until the records could be examined.

Negatived.

Mr. Cambreleng supported the amendment. He did not believe that it would be necessary to send from Machias to Florida. He understood, that delegations were coming on here from different districts. He, himself, should wish to be examined before the committee; and he hoped that the other members of the house would do the same thing.

Some of the manufacturers made one representation, and some another. For his part, he wished to have a full examination into the subject; and hoped that the resolution would pass.

Mr. Oakley said, that in his

opinion, the power of the house was to be found in the law of parliament, which gives all the power necessary to secure all the information requisite for correct legislation. Gentlemen are mistaken, if they suppose that it will be necessary to use the power coercively. The manufacturers will be anxious to furnish all the information in their power.

As to the delay, the house has it in its power to put an end to the examination, whenever it shall be of opinion that it is carried too far.

Where then was the objection to the resolution? One gentleman had spoken of the exercise of the power, as dangerous. To meet that objection, he would modify the resolution so as to specify the object, while giving the power.

Mr. Randolph said, that in 1798, a law was enacted, giving power to the chairman of the select committees, to examine witnesses under oath, and that law was re-enacted in 1817.

Mr. Sprague said, that the passage of the resolution was then unnecessary. The gentleman from New-York had said that the witnesses will flock to the committee, for the purpose of being examined, and the law conferred the power of examining.

Mr. Oakley said, that he was not aware of the existence of that law. He was indifferent now to the passage of the resolution. He, how-

ever, hoped, that whether passed or not, the committee would use the power, and procure the information desired.

The amendment then was adopted, 100 to 78; and the resolution being put, was passed, 102 to 88.

The committee, thus authorized, issued subpoenas for twelve witnesses, who were examined, together with nine who voluntarily attended, and seven members of the house. The examination was principally directed to ascertaining the cost of manufacturing iron, steel, wool, hemp, flax, sail duck, spirits from grain and molasses, glass, cotton and paper—the capabilities of the country to manufacture them, at that time; and whether any alteration of the duties was required to protect the manufacturer, against foreign competition.

After four weeks' spent in examining the various witnesses, the committee, on the 31st of January, made a report, accompanied by the testimony taken, and a bill, in which an increase of duties was recommended on the following articles, viz.

On iron in bars, not manufactured by rolling, 1 cent per lb.

On iron in bars, manufactured by rolling, \$37 per ton.

On pig iron, 62½ cents per cwt.

On iron and steel wire, not exceeding No. 14, 6 cents per lb.; exceeding No. 14, 10 cents per lb.

On round iron, of three sixteenths to eight sixteenths of an

inch in diameter; on nail rods, slit or rolled; on sheet and hoop iron; on iron slit or rolled for bands, scroll or casement rods, 3½ cents per lb.

On adzes, axes, drawing and cutting knives, sickles, sithes, spades, shovels, squares, (of iron or steel,) bridle bits, steelyards and scale beams, socket chisels, vices, and screws for wood, 10 per cent. ad valorem beyond the present duty.

On steel, \$1.50 per cwt.

On raw wool, 7 cents per lb.; and, in addition thereto, 40 per cent. ad valorem, until June 30th, 1829; from which time an additional duty of 5 per cent. ad valorem shall be imposed annually, until it shall amount to 50 per cent. All wool imported in the skin, to be estimated as to weight and value, and to pay the same rate of duty as other wool.

On woollen manufactures, of which the actual value shall not exceed 50 cents the square yard, 16 cents duty the square yard.

On all of which the value is between 50 and 100 cents the square yard, 40 cents duty the square yard.

On all between \$1 and \$2.50, a duty of \$1 the square yard.

On all between \$2.50 and \$4, a duty of 40 per cent. ad valorem to be levied, and the goods to be valued at \$4 the square yard.

On all exceeding \$4, a duty of 45 per cent. ad valorem.

On woollen blankets, hosiery,

mits, gloves, and bindings, 35 per cent. ad valorem.

On raw hemp and raw flax, \$45 the ton, until June 30th, 1829, and then an additional duty of \$5, annually, until the whole shall amount to \$60 per ton.

On sail duck, 9 cents the square yard.

On molasses, 10 cents per gallon.

On all imported spirits, 10 cents per gallon, in addition to the present duty.

On window glass, above ten inches by fifteen, \$5 for every 100 square feet, and charging all window glass imported in sheets, uncut, with the same rate of duty.

On vials and bottles, not exceeding the capacity of six ounces each, \$1.75 per gross.

All cotton cloths (except nankeens from China) of which the cost, together with the custom-house additions, shall be less than 35 cents the square yard, shall be deemed to cost 35 cents, and duty charged accordingly.

The drawback on the exportation of spirits distilled from molasses, was to be abolished; and no drawback allowed on sail-duck exported in a less quantity than 50 bolts, in one vessel, at one time.

Provisions, also, were reported, to prevent the frauds alleged to exist at the custom-house, and imposing additional penalties. And it was made the duty of the Secretary of the Treasury, to establish,

from time to time, proper regulations to carry into effect the policy of the law, and to prevent its evasion, and to report the same, with his reasons, at the next session of Congress.

On the 12th of February, Mr. Mallary offered certain amendments to the proposed bill, by which the following duties were imposed on woollen goods, viz. on raw wool not exceeding 8 cents per lb. in value, at the place whence imported, 20 cents per lb. until June 30, 1829, and after that time $2\frac{1}{2}$ cents per lb. annually, in addition, until the whole duty amounts to 50 cents. All woollen manufactures which shall cost less than 50 cents the square yard, shall be estimated at 50 cents cost the square yard.

All woollen manufactures which shall exceed 50 cents in value, and not exceed \$2 50 the square yard, shall be estimated at \$2 50.

All between \$2 50 and \$4, shall be estimated at \$4.

All between \$4 and \$6, shall be estimated at \$6.

And on all woollen manufactures to be estimated as above, and when costing over \$6, an ad valorem duty of 40 per cent. is to be levied on the actual cost, until the 30th of June, 1829, with an annual augmentation of 5 per cent. until the duty shall amount to 50 per cent.

These amendments were understood to express the opinions of those

who regarded the bill, as brought forward more immediately with the view of sustaining the woollen manufactories. The bill, on the contrary, as presented to the house; regarded that interest as secondary to some others; and was regarded by the eastern members as operating with such peculiar hardship upon that district of country, as to more than counterbalance all benefit anticipated, from the augmentation of duties on imported woollens.

Indeed, the whole course of proceedings now began to assume a marked sectional character, in some measure modified by the political predilections of particular members. The southern representation was opposed, in mass, to any change, on various grounds; but chiefly because the present basis of exchange between the United States and Great Britain, viz. of the produce of those states for the consumption of the whole country, was most favourable to their constituents. The representatives of the western, and those from the middle states, were desirous of promoting the manufacture of domestic spirits, iron, and hemp, duties bearing with great severity upon the shipping interest. Most of the eastern members were hostile to any augmentation of duties on those articles; although they were in favour of protecting the woollen manufactories, the principal part of which were situated in

their section of the country, and for whose benefit, they contended, the bill was intended, with the view of placing them on the footing contemplated by the act of 1824.

The proposition of augmenting the duties on these articles, proceeded from an unfriendly feeling towards the eastern states; and the proposal to abolish the drawback on the exportation of spirits manufactured from molasses, they regarded as an additional manifestation of the same spirit.

With these dispositions the members proceeded to the discussion of this measure. On the 29th of February Mr. White, of Florida, proposed an amendment to lay a duty of 25 cents per 100, in addition to the present duty on foreign oranges imported.

March 3.—Mr. Wolfe proposed an additional duty on imported slates, viz.

Not exceeding 6 inches by 12 inches in length, \$9 per ton; not exceeding 16 inches in length, \$10.50 per ton; not exceeding 20 inches in length, \$12 per ton; not exceeding 24 inches in length, \$13.50 per ton; exceeding 24 inches in length, \$15 per ton; on cipherring slates 33 $\frac{1}{3}$ per cent. ad valorem, to be estimated at not less than \$1 per dozen.

These amendments were all referred to the committee having the bill reported by the committee.

On the day last mentioned, Mr.

Mallary moved that the house resolve itself into a committee of the whole, with the view of taking this bill into consideration.

Mr. M'Duffie objected to this motion, on the ground that the business of Saturday, (*viz.* the bill making appropriations for internal improvement,) had not yet been disposed of.

Mr. Mallary said, that he felt impelled by motives of public duty, to press for the consideration of the tariff bill without further delay; and he should, therefore, move that the unfinished business be postponed; and called for the yeas and nays on the motion. It passed in the affirmative, 100 yeas and 87 nays.

Mr. Mallary now moved to go into the committee of the whole.

Mr. Martin, of South Carolina, contended that this motion was not in order, inasmuch as a vote of two thirds was required to postpone the unfinished business; but the speaker decided it to be in order, and the motion being put, was carried, 108 in the affirmative, and the house went into the committee of the whole, Mr. Barbour in the chair. Mr. Mallary then moved to take up the woollens bill; but Mr. M'Duffie suggested that the committee had certain unfinished business before it, which ought first to be disposed of. The chairman said that such was not necessarily the course in committees;

and the tariff bill was taken up, 95 ayes, 66 noes.

The debate was opened by Mr. Mallary, in a detailed account of the grounds upon which an augmentation of duties on certain articles was desired.

He stated that he did not concur with the majority of the committee in the details of the bill, although there was but one dissenting voice as to the propriety of some augmentation. Neither was the report drawn by him, although as an exposition of the views of the majority, he had not hesitated to present it.

He then proceeded to certain statistical statements, showing the course of trade between the United States and Europe, and the consumption of cotton in the United States and Great Britain, in 1827; the former consuming 70,000,000 lbs., and the latter, 204,000,000. The consumption of woollens in the United States he estimated at \$72,000,000 per annum, of which \$10,000,000 were imported, \$22,000,000 the productions of American manufactures, and \$40,000,000 the result of household industry.

Other details were given, showing the capability of the country to supply its own consumption;—and Mr. M. then proceeded to state the views of the committee respecting the details of the bill. The duties on iron were generally

agreed to. The quantity of bar iron annually imported, amounted to \$1,600,000, amounting to about 550,000 cwt.

The country was capable of supplying itself. Pennsylvania produced about 21,000 tons, and other parts of the country yielded large supplies.

On the subject of woollens, Mr. M. totally differed from the views of the committee. The duty on wool he thought too high, oppressive to the manufacturer, and, in the end, by impoverishing him, injurious to the farmer. The duty on low priced wool he regarded as particularly improper. Such wool was not produced here, and manufactories, in which it is used, were established, but they could not be sustained if any augmentation of price in the raw material took place.

He then adverted to the duties on woollens, and went into calculations, showing the advantage to the domestic manufacturer, from the mode of levying the duty proposed by the amendment. The minimums proposed would give to the foreigner access to the domestic market at the minimum points, and the large intermediate spaces would be secured to the American manufacturer.

This mode he thought better than a specific duty, which must necessarily be based upon the valuation abroad.

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The duties on hemp, flax, and sail duck, he thought were not properly adjusted.

A less duty on hemp would have answered as well, and would have proved less burdensome to the shipping interest.

As to the duty on molasses, the majority of the committee was in favour of imposing it, with the view of aiding the manufacture of spirits from grain in the western country. He could not reconcile the propriety of this duty, to his principles of protection. The article was one of general consumption as imported by a numerous class of our citizens, in all parts of the country—it was of prime necessity. The trade engaged in its importation was important. It employed 100,000 tons of navigation, and a vast number of sailors. The chief articles in exchange were the produce of the forest and fisheries. To all these classes the injury would be positive and great; and to the whiskey distiller the advantage would be doubtful, or, at most, small. He could not think the benefit equivalent to the sacrifice.

The proposed duty on foreign spirits he was in favour of. It was not a necessary of life, and a substitute could be furnished at home.

The abolition of the drawback, seemed to him to be a mistake on the part of the committee. The alleged object was to promote the distillation of spirits from grain,

and to introduce them into the foreign market. This cannot be effected in this manner. If the distillation from molasses is annihilated, the provision is nugatory ; but if it continues, the more that shall be exported the better.

Mr. M. concluded with some observations on the alleged operation of the bill on the different sections of the country.

March 4.—Mr. Barney then rose, and in order to enable him to go into a discussion of the whole bill, although he declared himself in favour of some parts of it, he moved to strike out the enacting clause.

He was in favour of some additional duty on woollens, but he thought this bill did not give relief. It kept the word of promise to the ear, but broke it to the sense.

The increased duties on iron, canvass, hemp, and flax, were prejudicial to the navigating interest, and Mr. B. enumerated some official statements illustrating the importance of that interest.

The domestic flax, and hemp, too, were so inferior in quality to the foreign, that no increase of duty would compensate for the difference in quality. American hemp sells from \$100 to \$125 per ton ; Russian hemp from \$225 to \$260. An additional duty of \$10 or \$12 will never bring these articles into competition, without an improve-

ment in the quality of the domestic article.

Mr. Stevenson said, that he felt compelled to give the views of the majority of the committee respecting the proposed bill. The committee found it necessary, shortly after its appointment, to frame a bill, not only to give relief to the manufacturers, but also, having some regard to the claims of the consumers.

The woollen manufacture was chiefly confined to the eastern states, and a powerful interest urged an increase of duty on imported woollens.

The identification of this peculiar interest with the politics of the day, to the exclusion of all others—the efforts of the middle states to procure protection for other articles in whose manufacture they were interested, such as iron, hemp, wool, spirits, &c. rendered the duty of the committee difficult of performance, especially when a powerful interest in the union was opposed to any change. The subjects submitted to the consideration of the committee, were inseparably connected, for the first time, with the politics of the day ; and it was, accordingly, concluded, to act upon evidence, in order to avoid any suspicion of sinister actions and motives. The time for the bill to go into operation was fixed at the 30th of June, which gave no

opportunity for commercial speculation after its passage. The same motive induced the majority to recommend the whole duty at once, instead of a progressive duty.

A different principle in the act of 1824, had caused excessive importations in anticipation of the increased duty, and had produced an unnatural depression of prices in woollens the next year, which was one of the causes of the present distress of the manufacturer.

Mr. Stevenson then went into a statement of the reasons, which induced the committee to recommend an increase of duty on iron, and showed that Pennsylvania, New-York, Virginia, and some of the western states, abounded in ore, and were able to supply the rest of the union.

He then proceeded, to a consideration of the measures in relation to the woollen manufacturer; and went into calculations, showing, that the quantity of wool annually imported amounted to about 2,000,000 lbs. and that the increase of duty would subject the manufacturer to an additional duty of \$250,000 per annum, which was all the encouragement given to the grower of wool.

The amendment proposed by the chairman of the committee, (Mr. Mallary,) would leave the farmer worse than at present, by actually reducing the present duty on fine wool.

The duty on wool was imposed for the purpose of encouraging the farmer to produce a large supply of the raw material, without which the establishing the manufacture would be rendered useless in time of war, when the foreign supply might be cut off. The duty for the encouragement of the woollen manufacturer, was proposed with some reference to the statement of the manufacturer himself—that if the raw material was as cheap here, as in England, it could be manufactured as cheaply. The duty on fine woollens was comparatively high; but this was taxing luxury, and with the view of lightening the burdens of the poorer classes.

Hemp, he said, was an article of great importance to the west; and, although, at present, the high price of Russian hemp operated as a bounty, that difference was not to be permanently relied on. Russia had imposed an export duty which entered into that price, and as that duty might be taken off, he thought a duty should be imposed here so as to afford the farmer an adequate motive to produce it.

The duty on molasses was proposed with the view of protecting the western distiller; and if it caused a suspension of distillation from molasses, so long as the western states could not find a market for their grain, he thought it good policy to adopt it. As to what was used for sweetening, the rate of the

increased duty would be less than one half of what was paid for solid saccharine, in the shape of brown sugar.

March 5.—Mr. Anderson followed, in an argument against the bill from the bad effects of the molasses upon the lumber trade, and the fisheries.

He believed, that not a man in the nation would have thought of increasing the duty on molasses, iron, hemp, flax, or distilled spirits, had it not been for the clamour raised in favour of the woollen manufacturers. He saw no evidence, that any additional protection was wanted.

The iron manufacturers were doing well, and as to steel, it did not appear that there was a single factory in the country.

The duty on hemp, he thought, would prove destructive to a large class of mechanics,—the rope makers; and it was obvious, from the great existing difference of price, that no duty could bring the American hemp grower, into competition with the foreign.

These articles, together with duck, are the great articles of consumption in ship building; a branch, which gives employment to a very numerous class of mechanics, and which will be rendered unproductive, by the heavy duties imposed on these articles.

The duty on molasses, and the

prohibition on the drawback, he considered as peculiarly burdensome to Maine. Their operation, must be to destroy the West India trade, and paralyze the lumber trade, and the fisheries. The amount of molasses, annually imported into the United States, would employ 130,000 tons of shipping, and nearly 6000 seamen; while the fisheries employ a larger amount of tonnage, and three times the number of men. All this capital will be materially diminished in value, and the existence of a large portion of it actually endangered, by the imposition of this duty.

The advantage proposed by its imposition, was no equivalent to the loss of this trade; and he said, England, to be insured the destruction of this nursery of seamen, that corps which must maintain our claim to the ocean, if it is to be maintained, would stipulate to take all our whiskey at double price. The bill was impolitic in its provisions, and most injurious to his section of the country.

March 6.—Mr. Clairborne opposed the bill generally, as going beyond the constitutional power of congress; as partial in its operation, and as injurious to the prosperity of the country.

Mr. Floyd observed, that he was not prepared to vote against the whole bill, although he was opposed to some of its details; and sug-

gested to Mr. Barney, the propriety of withdrawing his motion to strike out the first section, with which suggestion he complied.

The debate on the general principles of the bill, being now completely open, a long and tedious discussion ensued; in which the speeches, as we find them in the *Washington Journals*, with some few exceptions, seem rather intended to secure the orators popularity at home, than to enlighten or convince the body to which they were addressed. The general tendency of the argument in favour of the bill as reported, was to prove that it afforded equal protection to all the great interests of the western, middle, and eastern states—that while the woollen manufacture of the east, was protected by an increase of duty on imported woollens; the farmer, who was a great consumer, was in some degree recompensed by the protection to native wool, and encouraged to furnish a steady and copious supply of the raw material—that on the other hand, the iron manufacturer, a great and growing interest in the middle states, was encouraged by the augmentation of duty on imported iron; and the hemp, flax, and grain growing states, and the western distiller, found equivalent benefits in the other provisions of the bill.

Those who were in favour of the general principle of the bill; but opposed to its details, and favoured

Mr. Mallary's amendments, contended that the high duty on wool, was a positive injury to the woollen manufacturers, for whose relief the bill was chiefly intended; and that the augmentation of duties on woollens, did not afford to them a corresponding compensation: that even these duties were not imposed so as to meet the exigencies of the case: that the duty on hemp, was rather a burden on navigation, than an advantage to the grower, who was not able, under any difference of price, to produce a suitable article: that the duty on iron was not required to sustain the manufacturer, who was in a prosperous condition: that the duty on molasses, was a destructive blow, aimed at the navigation of the eastern states, without any corresponding benefit to the western distiller; and that the abolition of the drawback, seemed to be proposed with the view of further injuring the prosperity of that section of the country, without any assignable motive, except that of settled sectional hostility.

Another portion of the house, took another ground—that of opposition to the principle of the bill. They contended that it was contrary to the liberal spirit of the age, and to all the received maxims of political economy: that it bore with great severity upon the south, without one compensating principle; and that the difference of opinion between those who advocated the bill,

and those who proposed the amendment, was only a quarrel about the division of the profits derived from the enhanced cost of the articles to the southern consumers : that it would give the monopoly of supply to the domestic manufacturer, and would create the worst kind of aristocracy in the northern states, at the expense of the rest of the union : that the principle of the bill, was in violation of the spirit of the constitution, and such as ought to be, and would be resisted. This argument was afterwards renewed upon the passage of the bill, in popular appeals ; and the constitutional character of the measure more distinctly considered, in the discussions which took place at a later stage of the proceedings.

We shall now proceed to give an account, of the fate of the amendments proposed by Mr. Mallary.—On the 27th of March, they were rejected, ayes 78, nays 102.

Mr. Mallary then proposed amendments, differing from those rejected only in the duty on raw wool, which he now proposed at 40 per cent. ad valorem, until June 30th, 1829, and then an additional 5 per cent. annually, until it amounted to 50 per cent.

Mr. Buchanan then moved to strike out all Mr. Mallary's amendment, except the duty on raw wool, and to substitute a duty of 40 per cent. ad valorem on imported woollen, until June 30th, 1829, and then

a similar increase of 5 per cent. until it amounted to 50 per cent.

March 28.—Mr. Buchanan's amendment was rejected without a count.

Mr. Miller then moved an amendment, by which a duty of 40 per cent. ad valorem was proposed, on both imported wool and woollens. This being rejected by a large majority, the question recurred on Mr. Mallary's amendment, which was rejected—97 ayes, 98 nays.

March 31.—Mr. Sprague then moved to strike out those parts of the bill, which provided increased duties on hemp, molasses, and duck. This motion was discussed until April 4th, when Mr. Clark moved an amendment, imposing a duty of $4\frac{1}{2}$ cents the square yard on cotton bagging, until 30th June, 1829, and after that $5\frac{1}{2}$ cents. This amendment was carried, 80 to 76 nays.

Mr. Sprague's amendment being divided, the motion to strike out the duty on hemp was decided in the negative, and that to strike out the duty on molasses was also decided in the negative—ayes 51, noes 105.

Mr. McCoy then moved an amendment increasing the duty on saltpetre, which was negatived ; as were several amendments to increase the duties on oil cloths, indigo, and Mr. Wolf's amendments respecting the duty on slates.

Mr. Haynes moved an amend-

ment, giving a bounty on the exportation of cotton, tobacco, rice, flour, corn, and meal, which was negatived.

Mr. Wright, of Ohio, moved an additional amendment, providing a specific duty of 3 cents per lb. on raw wool, and an additional ad valorem duty of 40 per cent., with an annual increase of 5 per cent., until the ad valorem duty should equal 75 per cent.

He proposed to impose duties upon imported woollens, according to the principle of minimums, as proposed by Mr. Mallary; but a specific, instead of an ad valorem duty, of 25 cents the square yard on the 1st minimum; \$1 the square yard on the 2d minimum; \$1 60 the square yard on the 3d minimum; and on all over \$4 the square yard, an ad valorem duty of 45 per cent.

On blankets, a duty of 40 per cent., with an annual increase of 5 per cent., until it amounted to 50 per cent. On stuff goods, bombazines, hosiery, &c. 35 per cent. On hemp and flax, \$40 per ton, with an annual increase of \$2 50, until it amounted to \$55 per ton. On sail duck, 9 cents the square yard. On molasses, $7\frac{1}{2}$ cents per gallon. These propositions being rejected, certain other amendments were proposed, to increase the duties on imported lead, oil, litharge, silk, currying knives, bolt iron, all which were successively negatived.

Mr. Buchanan then moved to increase the duty on foreign spirits from 10 to 30 cents per gallon, which was carried, 83 affirmative, 52 negative.

The committee then rose, and reported the bill and amendments to the house.

April 7.—The discussion was again resumed in the house, and Mr. Wright again moved the amendments proposed in committee, relating to blankets and worsted stuffs, which were rejected by the several votes, of 78 ayes, 105 nays, and 73 ayes, 107 nays.

Mr. M'Duffie then rose to reply to some remarks in a printed speech of Mr. Burgess; and a warm personal discussion ensuing between them, in which some allusion was made to an elaborate report, made by Mr. M'Duffie, as chairman of the committee of ways and means, hostile to the tariff policy; Messrs. Dwight, Sprague, and Brent, the only members on that committee friendly to the administration, severally rose in their places, and disclaimed all knowledge of that report, or of its ever having been shown to them in the committee, although they did not accuse the chairman of any unfairness of conduct or intention, in not having submitted it to the committee when they were present.

The first amendment passed in the committee, imposing a duty of 70 cents the square yard on Brussels, Turkey, and Wilton carpet-

ing, of 40 cents on Venetian and ingrained, and of 32 cents on all other carpeting of wool, flax, hemp, or cotton, was carried—125 affirmative, 66 negative.

Mr. Wright then offered an amendment, imposing a duty of 30 per cent. ad valorem, on hempen and flaxen manufactures, with a progressive duty of 5 per cent. until it amounted to 40 per cent. This was rejected—48 ayes, 143 nays. The amendment, imposing a duty on cotton bagging, was then concurred in—112 ayes, 77 nays.

April 8.—The amendment of Mr. Buchanan, increasing the duty on imported spirits from 10 cents to 30 cents per gallon, was rejected—58 yeas, 131 nays. Mr. B. then moved to strike out 10 and insert 20 cents, which was also rejected—90 yeas, 102 nays.

A motion to insert 15 cents, instead of 10, finally prevailed—106 yeas, 87 nays.

A motion made by Mr. Mallary, to strike out that part of the bill relating to wool and woollens, was decided in the negative—yeas 80, nays 114.

April 9.—A motion made by Mr. Stevenson, of Pa., to place bolt iron on the same footing as bar iron, was carried—117 yeas, 71 nays.

Mr. Mallary then renewed the amendments respecting wool and woollens, last proposed by him in the committee of the whole, to

which Mr. Buchanan proposed an amendment, providing that all woollens, except flannels and baizes, valued at less than $33\frac{1}{2}$ cents the square yard, shall pay only a duty of 30 per cent. ad valorem, with an annual progressive increase of 5 per cent. for two years. This amendment was accepted by Mr. Mallary, as a modification of his own, and Mr. Ingham then moved to strike out the progressive duty on all woollens of less value than 50 cents per square yard.

This amendment was rejected, and Mr. Davis moved to recommit the bill, with instructions.

April 10.—Mr. Davis' motion was decided in the negative—78 ayes, 111 nays.

Mr. Sutherland then proposed certain amendments, one of which, substituting in place of the duty proposed by Mr. Mallary on wool, a duty of 4 cents per lb., and an additional ad valorem duty of 40 per cent., with a progressive annual duty of 5 per cent., for two years, was accepted—yeas 100, nays 98. A reconsideration was then moved and carried, and the amendments proposed by Mr. S., respecting imported woollens, were also submitted to the house, with that respecting wool, and the whole carried—100 yeas, 99 nays.

The amendments proposed on Mr. Mallary's first class of minimums, 20 cents per square yard, specific duty, and on woollens cost-

ing less than $33\frac{1}{2}$ cents, 14 cents the square yard.

On woollens between 50 cents and \$1, a specific duty of 40 cents the square yard.

On woollens between \$1 and \$2 50, a specific duty of \$1 the square yard.

All woollens between \$2 50 and \$4, shall be valued at \$4, and an ad valorem duty of 40 per cent. levied.

On all woollens costing over \$4 the square yard, an ad valorem duty of 45 per cent.

April 11.—Mr. Wright moved, to add to the above amendment, a clause abolishing the custom-house credit for duties on all woollens imported by foreigners. A question of order was made, on the ground that this motion was not made in the committee; and; the speaker deciding it to be in order, his decision was reversed, on appeal to the house—ayes 85, nays 113.

Mr. Storrs then renewed the motion to recommit the bill, with instructions; and it was again decided in the negative—ayes 77, nays 121.

April 12.—Mr. Wright moved to increase the specific duty on the least minimum to 25 cents; but it was rejected—84 yeas, 115 nays.

Mr. Stewart then moved a progressive annual addition of 5 per cent., for two years, on the two higher minimums of woollens, and an annual addition of 5 cents per

yard on the lowest minimum, until the whole duty amounted to 50 cents; and on the second minimum an annual addition of $12\frac{1}{2}$ cents, until the whole amounted to \$1 25 the square yard.

These amendments were also rejected—yeas 85, nays 110.

Mr. Stewart then moved to change the mode of valuation from the place of production, to that where they were imported; but it was negatived—yeas 74, nays 126. Several other attempts were ineffectually made to increase the duty on woollens, and to diminish it on wool; and the question being put on Mr. Mallary's amendments, as modified by Mr. Sutherland, they were adopted—183 yeas, 17 nays.

April 14.—Mr. Wolf renewed his motion to increase the duty on slates, and Mr. Haile proposed amending it, by adding thereto an increased duty on indigo; but the house refused to agree to it—52 yeas, 145 nays.

After another unsuccessful attempt to add thereto a duty of \$1 per gallon on castor oil, Mr. Wolf's amendment prevailed—yeas 104, nays 90.

April 15.—Mr. Gorham proposed to except ravens duck from the duty on sail duck; but the house refused—69 yeas, 123 nays.

Mr. Sprague then moved to strike out the proposed duty on molasses. He did not intend to go into any discussion of the propriety

of this reduction ; and more especially after it had been avowed by several gentlemen from New-York and Georgia, that they would vote to retain this item in the bill ; and that they would vote for every proposition, which could tend to render it odious and oppressive to the country.

A motion was made by Mr. Condict to fix the proposed duty at 7 cents per gallon, and decided in the negative ; 95 ayes, 104 nays.

The question then recurred on Mr. Sprague's motion to strike out, and it was lost—82 yeas, 114 nays.

Mr. Miller then moved to augment the duty on patent floor cloths to 50 cents the square yard ; on oil cloth carpeting 25 cents the square yard ; on floor matting 15 cents the square yard. This was agreed to ; yeas 99, nays 93.

Mr. S. Wright moved to amend the bill, by reducing the duty on flax from \$45 to \$35 per ton ; which was agreed to.

The previous question was then moved by Mr. Ward, and was sustained by the house—ayes 110, nays 91. The question being put, the bill passed—ayes 109, nays 91, and was sent to the senate. In this body, opposition was at once made to even a second reading ; but 26 being in favour of a second reading, it was ordered to a third reading, and referred to the committee on manufactures. On the 30th of April this commit-

tee reported the bill with certain amendments, the purport of which were to impose on,

1st. All manufactures of iron not particularly taxed, and all iron in slabs, loop, or in any other form not particularly specified, to pay the same duty as bolt and bar iron.

2d. Add 10 per cent. ad valorem duty on currying knives, tanner's fleshers, hatchets, and hammers.

3d. To strike out the proviso in favour of woollens of less cost than $33\frac{1}{2}$ cents, so as to make the least minimum 50 cents ; and to impose an ad valorem of 40 per cent. with an additional increase of 5 per cent. after one year.

4th. To change the mode of levying the duty on the minimums of \$1, and \$2 50, so as to impose a similar ad valorem duty, with the same advance ; and to estimate all woollens of less value than \$1 at \$1, and all less than \$2 50 at \$2 50.

5th. To add an advance of 5 per cent. after one year, on the proposed duty on all woollens costing over \$2 50 and \$4, so as to make the several duties 45 and 50 per cent.

6th. A similar advance on blankets.

7th. To impose 50 per cent. ad valorem duty on clothing ready made.

8th. To include printed, and all other oil cloths, among the oil cloth carpeting on which additional duties were proposed.

9th. To increase the proposed duty on sail duck one half cent per annum, until it amounts to $12\frac{1}{2}$ cents the square yard; and on all other flaxen and hempen manufactures 10 per cent. ad valorem, in addition to the present duties, except linens, on which the additional ad valorem duty was to be 15 per cent.

10th. To reduce the duty on molasses to $7\frac{1}{2}$ cents per gallon.

11th. To impose an ad valorem duty of 50 per cent. on vermicelli.

On the 5th of May, the bill and amendments were taken into consideration, and Mr. Smith moved to amend the first amendment by excepting the iron for rail-roads from the augmented duty on iron; which was agreed to by the senate, 23 to 22. The question then being taken on the amendment as amended, it was lost, 18 to 24.

The second amendment, relating to currying knives, &c. was also rejected, 20 to 25. The amendment striking out the proviso in favour of woollens of less value than $33\frac{1}{2}$ cents, was also rejected, 22 to 24. The other amendments relating to imported woollens, were carried, 24 to 22, except that respecting blankets, which was decided in the negative by the casting vote of the chair.

The amendment augmenting the duty on hemp and flaxen manufactures, was rejected, 22 to 24.

The amendment reducing the

proposed duty on molasses, was negatived, 21 affirmative, 25 negative, after an animated discussion.

The amendment imposing a duty on vermicelli was also rejected, ayes 18, nays 24; and the senate adjourned.

May 6.—Mr. Kane offered an amendment, imposing a duty of 3 cents per lb. on lead in bars, pigs, or sheets; 4 cents. per lb. on lead shot; 5 cents per lb. on red or white lead, and on litherage, and lead manufactured into pipes. He said the western mines were capable of supplying the whole Union.

Mr. Rowan objected to the amendment, on the ground that the United States was the proprietor of those mines, and it was merely laying an additional duty in favour of government. He had voted for the duties on hemp, distilled spirits and molasses, on the principles of the American system; but he was opposed to it altogether, and in voting for it, he consulted the interests of his constituents, and not his private opinions.

The amendment was adopted—ayes 29, nays 17.

Mr. Chandler moved to amend, by reducing the duty on salt, after June 1830, but it was negatived—ayes 19, nays 26.

Mr. Benton then moved to amend by laying a duty of 45 per cent. ad valorem on fur; which was negatived—11 ayes, 35 nays.

Mr. Dickerson moved to further

amend by imposing on all iron in slabs, blooms, loops, or other form less finished than bar, or bolt iron, the same duty as on bar and bolt iron. This was carried—ayes 25, nays 21.

He then moved to increase the proposed duty on sail duck, half a cent yearly, until it amount to $12\frac{1}{2}$ cents the square yard; which, being amended on motion of Mr. Sanford, so as to exclude all tar, and other materials, except foreign hemp, from the benefit of the drawback allowed on exported cordage, was agreed to—ayes 28, nays 17.

May 7.—Mr. Parris moved to strike out the section abolishing the drawback on the exportation of distilled spirits.

This motion, after an animated discussion was rejected—21 ayes, 25 nays.

A motion to strike out the duty on molasses was rejected by the same vote.

Mr. Smith, of Maryland, then moved to postpone the operation of the act, from the 30th of June, to the 30th of September, which was also decided in the negative by a similar vote.

8th. He then moved to impose a duty of $2\frac{1}{2}$ cents per lb. on sheathing copper; which was decided in the negative—19 ayes, 26 nays. The 15th of Nov. being then proposed as the time for the commencement of the act, the senate negatived it—22 ayes, 24 nays.

9th. A motion to strike out the duties on hemp, flax, cotton bagging, sail duck, molasses, and distilled spirits, was decided in the negative—10 ayes, 36 nays. Mr. Benton then proposed a duty of \$1 per lb. on indigo.

Mr. Dickerson moved to amend the proposed duty on indigo, by increasing it 5 cents per lb. and 10 cents per lb. annually, until it should amount to 50 cents per lb. The senate being equally divided on this motion to amend, the Vice President decided in the negative. It was then determined, on motion of Mr. Dickerson, to amend by imposing a progressive duty of 25 cents per lb. on indigo, for 2 years, so as to make 50 cents duty.

The senate divided, on the motion to strike out \$1—24 ayes, 22 nays; and the motion, as amended, was negatived—20 ayes, 24 nays. This proposed amendment being thus disposed of, Mr. Dickerson renewed his proposition to impose a duty of 5 cents, and then 10 cents, per lb. annually, until the duty amounted to 50 cents; which was carried—30 ayes, 14 nays.

A motion by Mr. Smith, of Maryland, to alter the duty on cordage, was rejected—ayes 17, nays 28.

12th. Mr. Benton offered several propositions to amend, which were rejected; as was a motion by Mr. Smith, of South Carolina, to strike out the duty on cotton bagging; a motion by Mr. Tasewell.

to strike out the duties on steel and lead ; a motion by Mr. Foote, to strike out the additional duty on distilled spirits.

Mr. Smith, of Maryland, then moved to amend, by postponing the commencement of the additional duty on iron, to the 1st of September ; which was carried—24 ayes, 23 nays.

Mr. Webster moved to strike out the section pointing out the duties of appraisers ; which was negatived—16 ayes, 31 nays.

Mr. Woodbury moved to limit the increased duty on molasses, to such only as should be distilled. Negatived, 19 ayes, 28 nays.

May 13. Mr. Hayne moved an indefinite postponement of the bill.

Mr. H. said, that the bill was calculated to sever the bonds of union. He frankly avowed that he was willing to introduce any thing into it that would destroy it.

The manufacturers were in a more flourishing condition than any other class, and the southern states, infinitely more distressed than the northern. If they could have foreseen, that the exporting states would have been taxed by duties on imports for the whole expenses of the Union, they would never have joined the confederacy.

He denounced the bill as partial, unjust, and unconstitutional, and entered a solemn protest on the part of the southern states, against its passage.

He was briefly replied to, by Mr. Webster, and the senate divided on the motion ;—20 ayes, 27 nays ; and the senate then passed the bill as amended—26 ayes, 21 nays.

The bill and amendments were then sent to the house of representatives, where, May 15, they were severally concurred in, about 67 voting in the negative, and 114 in the affirmative. The bill thus became a law ; and the discussions which had been sufficiently animated in congress, became more so, when freed from the restraint of legislative decorum. The ultra opponents of the tariff, now endeavoured to show that the passage of this law was a violation of the federal compact ; and that it was the duty of the southern states to act upon the subject, in their capacity of sovereign and independent states. If they remained quiet, their inevitable ruin was predicted. Great Britain, the principal consumer of their produce, would adopt retaliatory measures ; and the closing of their chief market was portrayed, as the inevitable consequence of perseverance in this policy.

Upon the course of trade, as now established, viz. the exclusion of all our staples except cotton, rice, and tobacco, from British ports, and the admission of British manufactures into the United States, capital was invested, and particular portions of the country, settled and

cultivated. Any proposition to disturb this commercial system was stigmatized as a violation of vested rights, and denounced as a tax upon the planter, for the benefit of northern and western capital. The diverting capital from commerce into manufactures, and supplying the consumers from domestic looms, would diminish the importations from Great Britain; and the loss of her market which now took four fifths of the cotton crop, would seal the fate of the south.

The inevitable consequence of this policy was urged, as a constitutional objection to the power of congress to pass laws having such objects in view. It was admitted, that congress might augment the imposts to any amount, but it must be solely with a view to revenue. The collateral effects of a revenue law, upon the course of trade, and the investment of capital, would render it unconstitutional, provided such effects were contemplated by congress at the time of passing it. The powers granted by the constitution were all intended for the general benefit; this was for the sole benefit of a particular section. Its advocates were called upon, to produce the grant to congress of any power to encourage manufactures; and it was denied, that any such effects could be produced under a power given for another purpose. This argument excluded such a grant, under the power of laying

impost. One of the chief motives in adopting the federal constitution, was to encourage foreign commerce; and this policy aimed to destroy it. Congress might pass any law for the purpose of regulating commerce; but this, having its destruction in view, was unconstitutional. The constitutional power to pass such laws being denied, and the authority of the federal judiciary to decide upon its validity being also questioned, a foundation was laid for resisting its execution. The state legislatures were designated as the proper bodies to devise the means of resistance, and various propositions were made, to defeat the object of the tariff policy.

In order to stimulate the public mind, to sustain them in the decided steps that were contemplated, the most inflammable topics were set forth in periodical publications, and in public orations; and were urged with all the vehemence and ardour, which characterizes advocates whose faculties have been ripened under the influence of a tropical sun. The constitution, the palladium of our liberties, was violated. The tendency of the federal government to consolidation was now so manifest, that nothing remained, but to devise some means of preserving the peculiar interests of the south, from being sacrificed by the greater power of the northern and western states, guided

as it was by cupidity and avarice. The federal judiciary was not to be depended on. It had too often shown its inclination, in favour of the constructive powers of the federal government, to be now selected as the arbiter of a question, in which the violation of the constitution was rather in spirit, than in the letter.

But it was not merely by arguments, that the passions of the citizens of the south were excited. The most exciting appeals were made to them, on the score of interest. The entire loss of their cotton market was immediately to follow the adoption of the restrictive system; and this sacrifice of southern capital, was to be made solely for the benefit of the northern manufacturer. "It was time to calculate the value of the union." The southern states already contributed a disproportionate share, for the benefit of common protection. The whole revenue derived from imposts was represented, as being paid by them. They furnished nearly all the exports of the union; and the revenue, it was said, must depend upon our ability to pay for the importations, and, therefore, it was a tax upon the south. Was it, then, to be endured, that a section of the union, which, for a fourth part of a century, had furnished nearly all the exports, and paid the revenue of the government—the transporta-

tion of whose productions to market had been already burdened by a tax for the encouragement of the navigation of New-England; was it to be endured that it should be further taxed, for the exclusive benefit of the other sections of the country? The constitution, too, which was intended for the general welfare, and for the protection of federative rights, was made the mere instrument of oppression. With a numerical majority which each succeeding census would increase, the manufacturing states were determined to sacrifice the real interests of the south to their own imaginary interests; and in spite of arguments the most irrefragable, they prostrated, by mere dint of numbers, the representation of the planting states in the national legislature.

If such disregard of their sectional interests were manifested in the infancy of the government; what, it was asked, would be the limit of its power, and the measure of its claims, when age and precedents, long acquiesced in, had strengthened its usurping hands?

All distinctions between the federal and state governments would be abolished, and swallowed up in its constructive powers; the rights and local interests of the states depended upon the mercy of congress; and the delicate relation between master and slave placed at

the discretion of a majority having no interest in its existence, no knowledge of its details, and only stimulated to abolish it by humanity without discretion, or by a fanaticism which regarded no consequences. Such were the exciting topics presented to the inhabitants of the southern states, to stimulate them to resistance of the tariff; and measures were taken to make their resistance in an effectual manner, and to give it the force of the concentrated opinion of the whole southern section of the union. Upon the assembling of the state legislatures previous to the passage of the tariff, committees were appointed, in several of the states, to inquire into the constitutional powers of congress in relation to various subjects, which were frequently acted upon in that body.

In the state of North Carolina, the joint committee contented itself with protesting against the passage of the tariff, as oppressive upon the local interests of that state, and as violating the spirit of the constitution. It did not, however, contend, that congress had not the power to lay duties for the protection of manufactures; and concluded with a resolution, declaring it inexpedient to increase the duties on imports.

The remonstrance of the legislature of Alabama went somewhat farther; and, first denying the constitutional power of congress to

lay duties expressly to protect manufactures, resolved that it was a palpable usurpation, and little less than legalized pillage of her citizens, to which she would not submit, until the constitutional means of resistance were exhausted.

It was, however, reserved for the legislatures of South Carolina and Georgia to array themselves in opposition to the national government, on other subjects besides the tariff; while on that their hostility was carried to an excess, which had not often been witnessed in the United States. In the former, the committee reported resolutions, declaring the tariff laws to be a violation of the spirit of the constitution; that congress had no power to construct roads and canals for the purposes of internal improvement, and no power to patronize or make appropriations for the benefit of the American Colonization Society.

The legislature of Georgia confined its remonstrance to the tariff and internal improvement; but after declaring the constitution should be so construed as to deny the exercise of these powers, declared, "that as an equal party to that instrument, it would insist upon that construction, and *would submit to no other.*"

In most of these remonstrances, constitutional resistance to the exercise of these unconstitutional powers was recommended; but

as it was contended that the state governments had a right to interfere, and, as equal parties to the compact, to construe the constitution for themselves, and insist upon such constructions as would preserve their local interests from the power of congress; it was obvious that the constitutional means of resistance contemplated, consisted in arraying the state against the federal government. The dissolution of the union was the necessary consequence; and it was openly contended, that a state had a right, whenever she chose to exercise it, of withdrawing from the union; and that no constitutional provision existed, to prevent her from declaring herself no longer a member of the confederacy.

The character of these proceedings, and the tendency of the arguments urged in their behalf, brought into discussion the peculiar claims of the southern states, and their extraordinary construction of the federal compact. This compact was entered into, for the purpose of protecting the commerce of the country from hostile legislation, and to aid it, while struggling to obtain admission of its staple productions into the European market. This was one of the chief motives, for the adoption of the federal constitution. After the revolution, the oppressive operation of the commercial system of Great Britain had been the

chief evil, to which our trade was subjected; and the main cause of most of the difficulties interposed, to the employment of American labour and capital.

The causes which, by furnishing employment to our ships, and a market to our agriculturists, had relieved our government, from the necessity of adopting counteractive measures to the exclusive system of Great Britain, no longer operated. The time had now arrived, to put in practice those powers of the federal government—powers which were originally vested in its hands, because local interests had prevented, and would always prevent, the states from using them with energy and discretion. These powers, it was true, could not be exercised, without disturbing the established and accustomed employment of capital; neither could any tonnage duty, or any revenue law, be enacted, without the same effect, as they all more or less affected the rate of profits; and the degree to which this effect was produced, would furnish rather an argument as to the expediency of the exercise, than to the constitutionality of the power. The simple question was, is the permanent national prosperity best promoted by the continuance of our commercial intercourse with Great Britain, on its present footing, or by an alteration of its terms, according to the details of the ta-

riff. Its operation upon the prosperity of any particular section of the country, is a subject of deliberate consideration ; but if its whole effect be good—if the national wealth be augmented by its passage, congress is justified in passing it. It would, no doubt, be beneficial to the planting states, so to establish our commercial relations, that the consumption of the whole should be paid for, solely in their produce ; but this would be the very sacrifice, and that in a greater degree, than the one to be apprehended from the augmentation of duties. The capital and labour of the north and west are as important as those of the south, and as much entitled to the consideration of the national government. If the operation of the present commercial system be injurious to them, so that, upon the whole, the mass of the capital of the country is unprofitably employed ; or subjected to the unfavourable legislation of foreign countries, it is the duty of congress to provide a remedy. This remedy is, in imposing duties on the great staple articles of the nations with whom we trade, so as to subject their industry, to some of the burdens imposed by their revenue systems upon the great staples of the United States. In doing this, regard, of course, must be had to the ability of the country to produce, at home, a sufficiency of these sta-

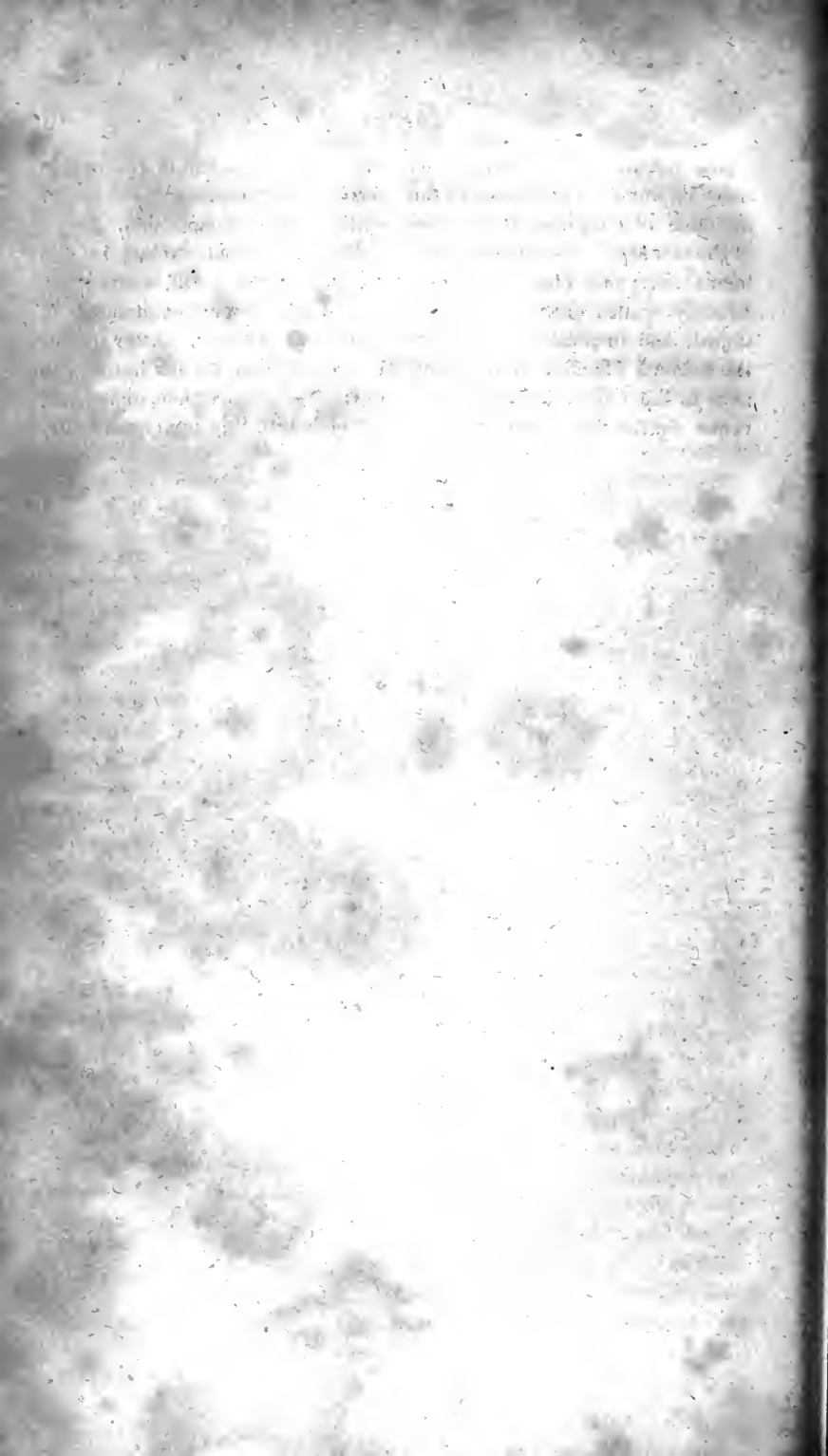
ple imports for its own consumption—to its commercial relations—to the permanent and temporary investments of its capital, and all the various employments and branches of industry of its citizens.

After a full consideration of these topics by congress, its decision on the subject is conclusive. The state legislatures have no power to declare this decision unconstitutional. This power is intrusted only to the federal judiciary. The state government is, indeed, invested with means to resist the execution of the law ; but, if the local authorities venture to exercise them, they must do it in violation of that oath by which they are bound to support the constitution of the United States ; and by arraying themselves against the federal authorities, they place the unfortunate citizens whom they represent, in a state of hostility with the rest of the union, and owing allegiance, both to the government which declares the compact violated, and to that which insists on its enforcement, and on a compliance with its obligations.—The national constitution never contemplated such a state of things as possible. It provides only for a peaceable and judicial enforcement of its provisions ; but it intrusts the federal government with the purse and sword of the nation, and imposes on it, the positive duties of carrying into effect the laws of the land. These laws operate over the

whole territory of the union, and must be enforced according to the intention of congress, in all parts of the country. The state governments may, and often do, protest strongly against particular acts, as unjust, and unconstitutional; but the habitual affection of their citizens to the union, and their reverence for the laws, seem to keep

those ebullitions within reasonable bounds, and prevent them from resorting to illegal opposition.

The discontent excited by the passage of the tariff, shared the fate of all sectional excitements of a similar character. After threatening rebellion, it sunk into a note of violent remonstrance, and at last, expended itself in angry murmurs.



CHAPTER III.

Relations between Indians and colonial governments—scheme adopted for their improvement—Cherokees—Chickasaws—Choctaws—Creeks—Northwestern tribes—plan for their removal.

THE relations of the aboriginal tribes within the limits of the Union to the state and federal governments, form an anomaly in the history of the world. Not entirely independent, nor yet acknowledging any authority except of their councils and chiefs they exist as distinct communities, surrounded, but not amalgamated with the whites; their relations with them defined by treaties, but with no right of appeal in case of their infraction, and no security for their observance, except the good faith and sense of justice of the stronger party; governed by their local customs, which, however, are not recognised as laws by the people who claim sovereignty over the whole country; with an acknowledged right to the territory they occupy, founded in prescription, and guaranteed by numerous treaties, but without the right of disposing of it at pleasure; recognising no civilized system of jurispru-

dence, and legislating within their own limits only for their own people; their peculiar habits as a distinct class, obviously modified by the influence of civilization, but leaving it still problematical, whether their existence as one of the species of the human race is not approaching its final termination—they present a subject well worthy the consideration of the philanthropist, and from which the legislator and statesman cannot avert their attention, without assuming the most fearful responsibility.

By the common consent of civilized nations, the aboriginal inhabitants of this continent were at an early period assumed to be dependent upon the sovereign who occupied it by the right of discovery.

All interference with them by any other civilized power, was thus excluded; and the government, by virtue of its sovereign authority, prohibited or regulated all inter-

course between them and its own citizens. They were thus reduced to a state of dependency ; but this, in some instances, as in the Anglo-American colonies, was done by acting indirectly upon the Indians, and by making only the white man amenable to punishment for a violation of the laws regulating the intercourse with them.

Direct usurpation was thus avoided on the part of the civilized authorities ; and though in some instances hostilities with the tribes, caused by the injustice and violence of the frontier settlers, have resulted in the conquest and occupation of Indian territory, the public faith, and the great principles of natural and national law, have been preserved inviolable, and substantial justice has been done to them.

Even in the first settlement of the country, the right which the civilized man has to vacant territory was in no instance solely relied on. The imperfect right of the aborigines to the vacant wilderness was bargained for, and agreements were made, by which the consent of the chiefs was obtained for the occupation by the whites of certain territory.

The history of the colonial settlements shows how generally this right was respected ; and it may be safely asserted, that neither in the Anglo-American colonies or states was it ever pretended that the aboriginal had no title to the soil.

The influence of civilization, however, upon the natives, notwithstanding the earnest and zealous efforts of many benevolent men, was unfavourable. They yearly diminished in numbers. The Indian race, distinguished as it was for so many heroic and exalted qualities, seemed wasting away. The Pequot and Narraganset tribes had already ceased to exist ; and in a few more generations, unless some check could be interposed to the process of destruction, the sword, the pestilence, and the vices which they had acquired from the example of their civilized neighbours, without adopting the social and political system which deprived those vices of their exterminating qualities, would have completed their work ; and the race would be numbered with those, whose language and customs only excite the curiosity of the antiquarian. The gradual recession of this extraordinary race from the advancing footsteps of civilization, and the disappearance of tribe after tribe from the continent, as it became occupied by civilized men, leaving only their monuments to indicate they once had been, excited a melancholy interest in the public mind, even previous to the American revolution. The humane saw, that this process of extinction was every where a consequence of the contiguity of European settlements. As philanthropists, there-

fore, and as patriots, watchful over the national character, they were desirous to save the Indian from his impending fate, and to elevate him to the rank of civilized man. They felt this to be due, not only to the savages and to their own character, but it was a just tribute to their ancestors, who had founded this empire of civilized humanity in the American wilderness, as an asylum from the oppression and injustice of the old world.

Upon the assumption of independence, this anxiety was increased by the greater responsibility which devolved upon them, as the sole arbiters of the future relations that were to exist between the civilized and christian states, established by their efforts and the ignorant and heathen tribes within their limits. While they anxiously sought to perpetuate and extend the American republic, they were not unmindful of the untutored savages around them. Even at the commencement of their desperate conflict with the parent country—when their coast was assailed by her fleets, their territory occupied by her armies, and their frontier settlements threatened by the savages, who were regarded as a part of the means “placed by God and nature in her power,” to reduce them to submission; at this moment of impending peril, they forgot not their obligations towards the aboriginals, but deliberately adopt-

ed, as a part of their national policy a plan to improve their condition.

They exhorted them to stand aloof during the approaching conflict. An Indian department was organized, and placed under the direction of commissioners; and in the same year that the declaration of independence received the sanction of congress, resolutions were adopted, providing for the protection and improvement of the condition of the aborigines, and recommending measures for the propagation of the gospel, and the introduction of the arts of civilized life among them. From that period, down to the adoption of the federal constitution, the efforts of congress were directed to establish peaceful and friendly relations between the United States and the Indian tribes, upon fair and moderate terms; and upon the adoption of that instrument, this philanthropic policy was more fully developed, and carried into effect with more enlarged views and extended means. Previous to that event, difficulties had grown out of the claims on the part of the state governments to participate in the care and establishment of our Indian relations. By the articles of confederation, congress was invested with the power “of regulating trade and managing all affairs with the Indians *not members* of any of the states, provided the legislative right of any state within its own limits, be

not infringed or violated." These limitations on its authority, proved the source of much embarrassment under the old confederation.

It was impossible to make any treaties with the Indian tribes, which might not, in some event, be construed as infringing, or limiting the legislative right of the state, within whose limits they were situated.

Collisions were also produced, by the express limitation of this power to Indians, who were not members of the states. It was indeed easy to discriminate between the powerful southern and north-western tribes, who claimed to be independent, and by their number and courage afforded substantial evidence of the strength of their claim; and those feeble remnants that were found in the eastern and middle states, and the Indian reservations. These tribes, whose numbers seldom amounted to a hundred families, deprived of the power of sustaining themselves, partially civilized, and accustomed to depend upon the protection and humane care of the local authorities, were properly considered as members of the states where they resided. Without any of the attributes of independence—unable to protect themselves from their neighbours, and even from themselves, it was humane and fit that those who were able should assume the power and responsibility of

controlling and governing them.—They were not regarded as objects of the care of a government instituted for national purposes; but formed a part of the several communities in whose bosom they dwelt, as the gipsies formerly constituted a part of the European states.

On the other hand, those tribes which did not come in contact with even the frontier settlements of the colonists, as naturally fell within the jurisdiction of the general government. They were independent in fact, under the government of their own chiefs and national councils; and at the formation of our government, so far from claiming any authority over them, great solicitude was manifested, and great pains taken, by the public authorities, to conciliate them, and to preserve their friendship and neutrality.

Between these two classes there was a great distance, and the tribes that did not clearly fall within the one or the other, afforded ground for controversy between the continental congress and the state governments.

The federal constitution was framed with full reference to this state of things. In the convention which framed that instrument, several efforts were ineffectually made to adjust these conflicting claims.

At length the matter was arranged, by vesting the treaty-making

power exclusively in the United States ; making these treaties the supreme law of the land ; and by omitting the proviso, preventing congress from making any Indian regulations, infringing the legislative right of any state within its own limits. The grant of unqualified authority to regulate commerce with the Indians, the exclusive right of repelling by force their hostile encroachments, and of making treaties with them, vested the whole power in the general government.

In pursuance of the authority thus granted, the venerable Washington and his enlightened cabinet proceeded to fulfil their duties, both towards the states and the Indian nations. They intended, if possible, to raise them to an equality with the whites ; and all events to show to the world, in case of their extinction, that the American government had no participation in hastening that unhappy result.

With this view, provisions were made regulating the Indian trade, and a deliberate scheme of policy adopted for their gradual improvement and civilization. Treaties were made with the principal tribes, defining the boundaries between their territory and that belonging to the whites ; and the United States agreed to furnish them with domestic animals, implements of husbandry, blacksmiths, and, in some instances, "suitable persons to

teach them to make fences, cultivate the earth, and such of the domestic arts as are adapted to their situation. The object of these treaties cannot be misunderstood. It was an offer, on the part of the national government to the aboriginal of civilization. It was a manifestation, of one of the most glorious attributes of superior intelligence, and breathed the purest spirit of a religion, which proclaims peace on earth, good will among men.

This offer was accepted on the part of the Indians. Amidst all the degradation which had attended their intercourse with the whites, a portion of them had always manifested an earnest wish, to preserve their race from extinction, and to partake of the improvement of their civilized brethren.

Upon this footing, our relations stood at the commencement of the federal government. This government claimed sovereignty, over the whole territory as defined by the treaty of 1783, to the exclusion of all civilized powers ; but did not assume, to exercise any of its rights over the Indian tribes, which existed as distinct communities. Some of the tribes, had so far diminished in number, as to cease to be objects of national concern. Others, though more numerous, and still preserving their individuality and peculiar laws, had formed relations with the state governments, anterior to the adop

tion of the federal constitution, which in some measure removed them from the jurisdiction of the general government. Such were the Six Nations, three of whom, the Oneidas, the Onondagas and the Cayugas, previous to that period, had ceded their lands to the state of New-York, and accepted of a title to the parts reserved for their own use, as sub-grantees of the state.

At a later period, the Mohawks executed a similar cession.

The Six Nations too, having long before put themselves under the protection of the colonial government of New-York, as dependents and allies, the ordinary relations between the general government and the Indian tribes, were in some degree modified so far as these nations were concerned.

With the powerful southern and north western tribes, these relations, although peculiar and anomalous, were sufficiently well defined.

The tribes were treated as distinct and independent, and the boundaries between their lands and those relinquished to the whites, were marked out by treaties.

To these treaties, the president affixed his seal, and the consent of two thirds of the senate was required to ratify them, as if made with foreign powers. They then became, in the language of the constitution, the supreme law of the land. By these treaties, the In-

dians stipulated, to enter into no compact with any other power ; and that the United States should have the exclusive right of regulating their trade ; and the law regulating the intercourse with the Indians operating upon our own citizens, in effect, placed them in a state of dependence upon the federal government, except in their domestic concerns and internal regulations. On the other hand, the United States solemnly guarantied to them their lands not ceded, and expressly put all American citizens settling thereon out of their protection, and subjected them to the jurisdiction and laws of the Indians.

Provisions were also made for the surrender of criminals, and for the punishment of crimes committed by citizens, within the Indian territory.

There were other relations, growing out of the character of the parties to these compacts. While the United States exercised a modified sovereignty over the country, and possessed by treaty the exclusive right of pre-emption of the aboriginal title ; the Indians occupied and cultivated portions of it as agriculturists ; used the remainder for hunting grounds ; and held the guaranty of the United States for the whole territory, themselves and their posterity.

It might possibly have been supposed, that no efforts would avert the fate, to which the original inhabitants of this continent seemed

destined, and that these stipulations would prove nugatory. This supposition, however, is inconsistent with the general spirit of these treaties, and is scarcely reconcilable with good faith. By the tenor of nearly all these treaties, the permanent occupation of their country within the defined limits, by the Indians, is contemplated by both parties : and the United States generally stipulated, to furnish them with agricultural implements ; to cause them to be instructed in the mechanic arts ; to endeavour to civilize them ; and to render them a stationary people, depending for subsistence on the cultivation of the soil. In establishing these relations, the white man was the lawgiver, and the aboriginals acceded to these treaties, because they confided in the good faith and superior intelligence of the civilized party. The president of the United States was their great father ; and the general government stood in the relation of an adviser and guardian.

The undefined rights which had before existed, were now modified and settled by treaties. The right, which civilized man had to occupy vacant territory in the wilderness, to the exclusion of the savage, was now changed to an absolute right to the country within specified limits ; while the claim of the aboriginal to the territory where he had hunted, was converted into a guaranteed right to a certain portion of it, defi-

ned by metes and bounds. Previous to this guaranty, their right to a portion of the country was such, as could not be wholly taken away, even for the use of civilized man, without a violation of the great and immutable principles of morality and natural justice. So long as the wilderness is large enough for all, the right which civilized man has to occupy it, must be confined to the vacant territory. It must be exercised, so as not to unnecessarily deprive the Indian, of that portion of land necessary for his accommodation.

To this territory his right is complete, and cannot be affected by any claims derived from the superiority of civilized man. But when this is converted by treaties into an absolute right,—when the Indians have been encouraged to relinquish their vagrant habits for those of agriculturists, and to attach themselves to the soil, all this reasoning, drawn from the difference between barbarous and civilized communities, is at an end.—The Indians become possessed of a right to the soil, which they may use in any manner they deem proper, subject only to the condition, that if sold it must be sold to the United States. Until they do that, they may appropriate it for farming, for pasturage, or hunting ; they may even divide it among themselves, and become a civilized people ; and the federal government bound itself,

and is still bound, by numerous treaties, to promote that desirable object.

Such were the relations between the federal government and the Indian tribes, when, with the view of determining a controversy, which had existed ever since the revolution, between Georgia and the rest of the Union, concerning the western boundary of that state, an agreement was made in 1802 by commissioners representing both parties. By that agreement, each party gave up a portion of its claim; the state of Georgia relinquishing its claims to the territory, now forming the states of Alabama and Mississippi; and the United States relinquishing its claim to the territory, between the western boundary of Georgia and a line drawn along the Appalachian ridge to the head of the Ocmulgee, down that river to the great turn opposite Jacksonville, and thence to the head of the St. Mary's. This portion comprehends all the Indian territory. The federal government also bound itself, to extinguish the Indian title within the state; but mindful of its previous obligations towards the aborigines, this stipulation was limited by a proviso, "when it could be done peaceably and upon reasonable terms."

This agreement did not modify the existing relations, with the Indian tribes in that state in the least degree. They were not parties to

the agreement, and have never assented to it.—The general government, however, in pursuance of these new obligations, proceeded, at its own expense, to extinguish, from time to time, the Indian title of such portions of their territory as they were willing to sell. In this manner, about 15,000,000 acres had been acquired by the state of Georgia, previous to the year 1825. At the commencement of that year 9,537,000 remained in the possession of the Indians, of which 5,292,000 belonged to the Cherokees, and 4,245,000 to the Creeks. The state government had been pressing the general government, for several years previous to that time, to complete the extinguishment, of the aboriginal title; and the general government had vainly endeavoured, to procure the assent of the Indians to the cession of any more land.

They replied, that they had no more than was wanted for their own use; and that they had resolved not to sell any more. The commissioners appointed to treat with the Creeks, notwithstanding this refusal, proceeded to form a treaty with a small portion of the nation, for the cession of all their lands.

This produced great excitement among the Creeks, who caused the two chiefs, signing the treaty, to be executed, for a violation of their laws. The treaty itself, which had

been ratified by the President and Senate, without any knowledge of the circumstances under which it was executed, was afterwards declared void, as fraudulent. The state government, however, insisting on the treaty as valid, in order to prevent any collision between the federal and state authorities, the Creeks were induced to enter into a new treaty, by which their title, to that part of their territory in the state of Georgia was extinguished. During the whole of this controversy, of which a more particular account will be found in the vol. of the Register for 1825-6, pages 42 and 343, and in the next vol. page 85, the conduct of the general government, although denounced by the state, in a tone alike discreditable to its humanity and patriotism, was in conformity with both its express and implied obligations.

The Creeks being thus removed from the state, its attention was immediately directed towards the Cherokees. This nation had been long distinguished, for being in advance of the other Indian tribes in the arts of civilization. Some of their chieftains have been really great men, fully sensible of the disadvantages of their condition, and sagacious in devising means to remedy them. Among these chieftains, the late Charles Hicks, and John Ross, now at the head of the nation, were pre-eminent.

Under their directing counsels, and aided by the policy of the general government, they have outstripped all the other tribes in the march of improvement.

Advantageously situated in the northwest of Georgia, and extending themselves into Alabama and Tennessee, they occupy a well watered and healthy country, conveniently divided into hill and dale. The northern part is even mountainous; but the southern and western parts are composed of extensive and fertile plains, covered with the finest timber, and furnishing excellent pasturage. The winters are mild, and the climate healthy. Large herds of cattle and horses are owned by the natives, and they are used for cultivating the earth. Numerous flocks of goats, sheep, and swine, cover the hills. The valleys and plains furnish the best soil, and produce Indian corn, cotton, tobacco, wheat, oats, and potatoes. The natives carry on considerable trade with the adjoining states, and some of them carry their cotton down the Tennessee, and even down the Mississippi, to New-Orleans. Apple and peach orchards are very common, and much attention is paid to gardens in the nation. There are many public roads in the nation, and houses of entertainment kept by the natives.

Numerous and flourishing villages are to be seen in every sec-

tion of the country. Cotton and woollen cloths, and blankets, are manufactured here. Almost every family raises cotton for its own consumption. Industry and commercial enterprise are extending themselves through the nation. Different mechanical trades are pursued.

The most important facts are, that the population is rapidly increasing, and that the female character is much respected.

In 1819, the Cherokees on this side of the Mississippi were estimated at 10,000. In 1825 they amounted to 13,563, besides 220 whites, and 1277 slaves.

The religion of the nation is Christian—that religion which, wherever it reigns, whether in Europe, Asia, Africa, or America, elevates its professors above those of other religions.

Another proof is given by this people of their capacity of self improvement, in the alphabet invented by one of their native chiefs, called Guess. Like Cadmus, he has given to his people the alphabet of their language. It is composed of eighty-six characters, so well adapted to the peculiar sounds of the Indian tongue, that Cherokees, who had despaired of acquiring the requisite knowledge by means of the schools, are soon enabled to read, and correspond with each other. This invention is one of the great triumphs

of the aboriginal intellect. Like the Greeks and the Latins, the Indians have now found a means of perpetuating the productions of mind. They have erected a barrier against the inroads of oblivion. Henceforth their peculiar forms of expression, their combinations of thought, and the suggestions of their imaginations, will be preserved. An empire of intellect is founded on a stable foundation; and when did such an empire experience a decline, till it had first attained the climax of human grandeur? A printing press established in the nation issues a newspaper, periodically imparting information, both of domestic and foreign origin, throughout the tribe.

Their political constitution affords, another proof of their capacity of self government. Republican in its character, its provisions are better calculated, as expressed in the preamble, “to establish justice, insure tranquillity, promote the common welfare, and secure to ourselves and posterity the blessings of liberty,” than many of the more elaborate contrivances of their European brethren. The government is representative in its form, and is divided into executive, legislative, and judicial departments. The trial by jury is established; and the particular provisions of the constitution, while they are calculated to accustom the Cherokees to the principles of our

system of jurisprudence, are peculiarly well adapted to the anomalous condition, in which the nation is placed. The whole is well suited, to secure to the tribe the improvements already made, and to stimulate them to further advances in civilization.

The neighbouring tribes of the Creeks, Chickasaws, and Choctaws, have also improved in their condition, though not in an equal degree to the Cherokees.

The Chickasaws are increasing, having increased about four hundred within the last five years. Their whole number is about 4000. There are 10 mills and 50 workshops in that tribe. The orchards are few and small. Their fences cost about \$50,000, and their stock of domestic cattle and poultry is worth \$85,000.

The Choctaws, in number about 21,000, hold a middle rank in point of improvement between the Cherokees and the Chickasaws.

The Creeks, whose number is near 20,000, are probably in the worst condition, of any of the four southern tribes.

This inferiority, however, is, in a great measure, to be attributed to the breaking up of their settlements under the late treaty, and to the distribution of money among them as a consideration for their land, instead of domestic cattle, farming utensils, and other necessary implements.

Having the means, they have

too freely indulged in their darling vices, and, consequently, have, since then, receded, while the other tribes have actually advanced, in civilization.

The north-western tribes were in a still worse condition.

They were rapidly wasting away under the unchecked influence of the causes which, in peace, have produced such fearful havoc in the ranks of the red men. Intemperance, want, cold, and starvation, all combined to diminish the numbers, and to debase the character of these unfortunate tribes, still lingering in the north-western states and territories. Notwithstanding the efforts of missionaries, and benevolent men, the expenditure of the government, and the care of the agents, their condition has daily grown worse. The rapid settlement of that region of country has brought the savage into contact with the frontier settler, before he has acquired habits of self-control, or become sufficiently advanced in civilization to protect himself from the debasing influence, and demoralizing example of that class, which generally forms the outskirts of society.

His frequent removals from place to place, as a rapidly increasing population has narrowed his limits; destroyed his game, and prevented him from acquiring settled habits, and improving his reservations, like the stationary tribes of the south. The influence of those

combined causes has reduced the north-western tribes to a state of complete dependence, misery, and want; and rendered them objects of commiseration and compassion, to all who had an opportunity of contemplating their condition. If nothing could be interposed to check their operation, their fate might be easily predicted. Their situation was made known to the general government, and a plan was proposed for their removal to a territory assigned to them beyond the Mississippi, with the view of placing them beyond the reach of those causes, which before prevented their advance in civilization. With them, the plan of civilizing them whilst in their present situation, had totally failed. It only remained to modify it, so as to afford it another chance of success; or, at least, to secure the comfort of the Indians in a better situation.

The plan proposed by the secretary of war, (Mr. Barbour,) in his report, February 3d, 1826, was to assign to the Indians, a territory beyond the Mississippi, and so much on the east of that river, as lies west of Huron and Michigan, in which a territorial government was to be maintained by the United States. According to this plan, the Indians were to emigrate as individuals, and not as tribes; and they were to be amalgamated as one community; and the property was to be divided among them as individuals. All

this, however, was to be effected by the consent of the Indians; and upon more deliberate examination, it was found to be impracticable.

Another plan was then proposed, by which distinct reservations were to be assigned to the different tribes, extending from the western boundaries of the Missouri and Arkansas, to the Rocky mountains, forming a territory 600 miles long, from north to south, and about 200 miles of habitable country, in width.

An Indian superintendency was to be established over the tribes, to preserve them in a state of peace, and to give them an idea of civil government.

This subject came up incidentally, in a discussion on the Indian appropriation bill, during the first session of the twentieth congress, and produced a long debate. It did not appear, however, that any definite plan was devised, which met with the approbation of that body.

A proposal made, to dispose of a part of an appropriation to extinguish the Cherokee title in Georgia, with the view of aiding the removal of the Indians, was not decided; and a proposition to preserve the distinction between the Indians living north of $36^{\circ} 30'$, and those living south of that line, was negatived in the house, 37 ayes, 77 nays.

Congress, at this time, appeared to be unwilling, to depart from the policy hitherto pursued towards the aboriginals.

The number of the Indians in the states east of the Mississippi, was, according to the report of the secretary of war, at the last session of congress, as follows ; viz. In the New-England states, 2,526

New-York, 4,820

Pennsylvania, 300

Tennessee, 1,000

Virginia, 47

North-Carolina, 3,100

South-Carolina, 300

Georgia, 5,000

Ohio, 1,877

Mississippi, 23,400

Indiana, 4,050

Michigan, 29,450

Alabama, 19,200

Florida, 4,000

Illinois, 5,900

Between the Mississippi, and the Rocky Mountains, 108,070

Within the ranges of the Rocky Mountains, 20,000

West of the Rocky Mountains, 80,000

The removal of a portion of these, was not required, either by the whites, or the Indians themselves. But in some parts of the country, the urgency of the inhabitants was so great, for their removal, and their own condition so imperiously required it, that government seriously commenced the task of preparing a territory for their reception. The title of those tribes, beyond the Mississippi, that claimed the land, being extinguished, exploring parties, composed of several chiefs, ac-

panied by interpreters, and United States agents, were sent, at the expense of the general government, from the Ottawas, and the Pattawatimas, and also from the Creeks, the Choctaws, and the Chickasaws. After surveying the territory, the Creeks, and the north-western Indians returned, satisfied with their new country, and willing to remove ; but the Choctaws, and Chickasaws, were not so well satisfied. These latter, did not, however, give a definite answer to the proposition of the government ; and in the mean time, the impatience of the state governments, within whose limits the south-western tribes resided, and their rapid advances in civilization, together with the decisive step taken by the Cherokees, (who refused all proposition to cede any portion of their lands,) in adopting a written constitution, produced a state of things, which forcibly attracted the public attention to our Indian affairs. The general government found itself unexpectedly involved in two conflicting courses of policy.

The plan now adopted, of colonizing the Indians beyond the Mississippi, was inconsistent with that hitherto pursued, of civilizing them, and rendering them a stationary people, dependent upon agriculture ; and if carried into effect, would almost render nugatory the efforts and expenditures devoted to these ends.

A much more serious difficulty arose, from the conflicting pretensions of the Indian tribes, and the governments of the states where they resided, urged on the part of the latter, in the most unaccommodating spirit. Whilst these tribes, relying on the guaranty of the general government to their lands, and on their entire freedom from all control, in the regulation of their domestic concerns, were advancing in civilization, and developing their capacity for self-government; the surrounding state governments were preparing to extend their jurisdiction over them, against the will of the federal government; and threatened to throw them back into a worse and more hopeless state than that of primitive barbarism.

The adoption of a written constitution by the Cherokees, with provisions, assimilating their local customs and laws, to the system of American jurisprudence; and establishing a government in which the executive, judicial, and legislative departments were kept distinct, without in any manner recognising the state authorities, or any relations with the general government, except through public Cherokee agents, appointed by the legislature, was a large stride towards becoming a distinct civilized community. It was, in fact, preparing the way to erect an imperium in imperio; and was calculated to bring on collision, with such state governments as

were not disposed to act with delicacy and caution, in the adjustment of these claims. Until that period, the relations had been suitable to the relative condition of the several parties, and had conduced to the preservation of quiet. In establishing them, however, the federal government had not sufficiently considered the changes, which time would probably produce in their relative situation; and in making treaties with them, it had, in reality, contracted between the government and the tribes, many of the complicated relations belonging to the municipal state, without having determined the boundaries of the authority by which those relations were to be controlled.

It was obvious, so far as some of the civilized tribes were concerned, that the time was fast approaching, when it would be, not only the right, but the duty of the government, to extend its jurisdiction over them; and, exercising over their persons and property, the salutary control of guardianship, to prepare them for admission to all the rights of American citizens. In changing, so completely, the existing relations, great caution and delicacy were requisite. To the preservation of the property of the Indians in their lands, the national faith was pledged. No construction of state rights could affect this guaranty. The treaty was the supreme law of the land: and any violation

of its stipulations, more especially towards Indian tribes, depending solely on its sense of justice, and the obligation of good faith, would justly expose the government to the indignation of the world. Equal, and even greater care was necessary, in determining upon their civil rights. The character of the nation was pledged to the world, that the aboriginal tribes within its limits, should be treated with delicacy, kindness, and humanity. It had taken upon itself the character of their guardian, and it could not escape from this high responsibility.

In yielding to the claims of the state governments, to extend their jurisdiction over all persons within their limits, the federal government was bound to see that the civil rights of the Indians were preserved; that their condition was not rendered worse, by the change. If that duty was performed, the national obligations were substantially fulfilled, and its integrity maintained.

The whole question depended upon the character of the state legislation respecting the Indians; and when a state attempted to extend its jurisdiction over any tribes connected with the United States, by the ordinary Indian relations, the general government became directly interested in its legislation over them, and entitled to be consulted in establishing its principles; until the Indians were amalga-

ted with the rest of the community. Any disregard of the principles of justice, in extending state sovereignty over them—any appropriation of their lands without their consent—any diminution of their social comforts, or civil rights, by state legislation, would be a direct violation of treaties, and of the faith of the American people. No distinctions, drawn from the apportionment of the sovereign powers, could avert this conclusion. The national faith was pledged by the constitutional authorities, and the treaty stipulations must be substantially complied with.

Entertaining these views of the nature of the obligations of the general government, and yet earnestly desirous of relieving the states from their Indian population, the Secretary of War, (Peter B. Porter,) recommended, in his annual report to the 2d session of the 20th Congress, a plan, of which the following extract contains the principal features:

“If the project of colonization be a wise one, and of this, I believe, no one entertains a doubt, let us shape all our laws and treaties to the attainment of that object, and impart to them an efficiency that will be sure to effect it. Let such of the emigrating Indians, as choose it, continue, as heretofore, to devote themselves to the chase, in a country where their toils will be amply rewarded.

Let those who are willing to cultivate the arts of civilization, be formed into a colony, consisting of distinct tribes or communities, but placed contiguous to each other, and connected by general laws, which shall reach the whole. Let the lands be apportioned among families and individuals in severalty, to be held by the same tenures by which we hold ours, with some temporary and wholesome restraints on the power of alienation. Assist them in forming and administering a code of laws adapted to a state of civilization. Let the \$10,000 appropriation be applied, within the new colony, exclusively to the same objects for which it is now expended;* and add to it, from time to time, so much of our other annual contributions, as can be thus applied without a violation of public faith.

In regard to such Indians as shall still remain within the states, and refuse to emigrate, let an arrangement be made with the proper authorities of the respective states in which they are situated, for partitioning out to them, in severalty, as much of their respective reservations as shall be amply sufficient for agricultural purposes. Set apart a tract, proportioned in size to the number of Indians, to remain in common, as a refuge and provision for such as may, by im-providence, waste their private

property; and subject them to all the municipal laws of the state in which they reside. Let the remainder of the reservation be paid for by those who hold the paramount right, at such prices as shall be deemed, in reference to the uses which Indians are accustomed to make of lands, reasonable; and the proceeds to be applied for the benefit of those of the tribe who emigrate, after their establishment in the colony; or to be divided between those who emigrate and those who remain, as justice may require."

The committee on Indian affairs coincided in the view taken by the Secretary of War, except as to the appropriation of \$10,000 for education, which, in the opinion of the committee, was judiciously employed at present.

Upwards of 1,300 children were enjoying the benefits of the appropriation, and the distribution of the whole sum seemed to be judiciously made, and to have essentially contributed to the improvement of the Indian character. They therefore were opposed to the repeal of that law. They, however, recommended an additional appropriation of \$50,000, towards carrying the proposed plan into effect. The bill they brought in for that purpose was not acted on, and the whole subject was referred to the wisdom of the succeeding administration.

* To the education of Indian children, and teaching them the mechanic arts.

CHAPTER IV.

Opening of the twentieth Congress.—Message of President—Business of Congress—Duties on wines—On salt—Process in United States Courts—Proceedings in Senate—In House—Powers of Vice President—Adjournment.

THE first session of the 20th Congress commenced on the 4th of December, 1827. In the senate, all the members were present at the commencement of the session, except two.

In the House of Representatives 207 members answered to their names, and proceeded to organize the house. Upon balloting for speaker, Andrew Stevenson, of Virginia, had 104; John W. Taylor, of New-York, had 94, and 7 scattering.

The opposition speaker having been elected, the house adjourned to the next day, when the annual message of the President of the United States was transmitted to congress. This message will be found among the public documents, in the second part of the present volume. It gave a clear and succinct account of the state of our foreign relations.

After stating that the first article of the treaty of Ghent had at last been carried into effect, and \$1,204,960 received from the Bri-

tish government, as full indemnity to the claimants; it proceeded to state the nature of the existing conventions with Great Britain, respecting commerce, and the boundaries between the territories of the parties beyond the Rocky mountains; and that it had been thought expedient to extend their duration for an indefinite period, with liberty to either party to terminate them after twelve months' notice. Congress was also informed, that the questions with that government, concerning the northern and north-western boundaries of the United States, had been satisfactorily settled, and a convention concluded, referring the dispute respecting the north-eastern boundary to the decision of a common umpire. The result of the controversy about the trade to the British West Indies, of which a full account was given in the third chapter of the last volume, was communicated to congress; and the peaceful relations of the United States with the rest of Eu-

rope were mentioned, as a subject of just congratulation.

The state of the public finances was fully detailed. The receipts, during the year 1827, presented an aggregate of \$21,400,000;—the expenditures amounted to \$22,300,000. The revenue of the ensuing year was estimated at a sum about equal to the expenditures of the present; but the necessity of extinguishing the public debt, induced the president to recommend to congress the strictest economy in its appropriations.—The receipts from the Post-Office exceeded its expenditure \$100,000.

Some disturbances had occurred on the north-western frontier, among the Indians; but the prompt movements on the part of the governors of Illinois and Michigan, aided by the presence of the United States troops, had restored tranquillity. The perpetrators of the murders were surrendered to the authority of the laws of the United States, and the hostile purposes of the Indians overawed. An augmentation of the engineer corps was recommended; and the reports of surveys, which had been made since the adjournment, were submitted to congress.

These consisted of surveys of the peninsula of Florida, to ascertain the practicability of a canal to connect the waters of the Atlantic with the gulf of Mexico, across that peninsula; and also, of the

country between the bays of Mobile and of Pensacola, with the view of connecting them together by a canal;

Of surveys of a route for a canal to connect the waters of James and Great Kenhawa rivers;

Of the survey of the Swash, in Pamlico sound, and that of cape Fear, below the town of Wilmington, in North Carolina;

Of the survey of the Muscle shoals, in the Tennessee river, and for a route for a contemplated communication between the Hiwassee and Coosa rivers, in the state of Alabama.

Other reports of surveys, upon objects pointed out by acts of congress, were stated to be in a course of preparation. The propriety of progressing in the systems of internal improvement, and of fortifying the sea coast, was again enforced upon the wisdom of congress. The increase of the navy, and the improvement of its character, by means of a naval school, were also recommended. The situation of the public lands was alluded to; and the propriety of extending the credit to the purchasers, and remitting the interest, was suggested, as due to the necessities of a portion of those who were indebted to the government on that account.

The business which annually comes before congress, may be

classed under three heads: first, the maintaining the established policy of the country, and providing for the necessities of the government. All measures of this sort are carried into execution by means of appropriations; and the discussions concerning their expediency, generally arise upon the annual appropriation bills.

The second comprehends all measures changing or modifying the national policy; and all new propositions generally fall under this head.

The third consists of claims, resolutions for inquiry, and miscellaneous matters.

The chief measure of general interest of the second description, which was acted upon at this session, was the tariff; and the history of all the proceedings relating thereto, will be found in that second. Other propositions, relative to the existing rate of duties on other articles, were brought forward, chiefly with the view of affording some relief to the navigating interest. A bill reducing the duties on wines passed into a law, after a close division in the house.

Under the existing rate of duties, the consumption of wines, and, consequently, the commerce with the wine-growing islands, had been constantly diminishing; and to such an extent had this taken place, that the amount of revenue from the duties on wines was ac-

tually less, under the present rate of duties, than it would be under the reduced rate, should the consumption of wine advance to its former standard. The duty on non-enumerated wines was somewhat advanced, and their consumption would probably be diminished; but, on the whole, it was believed, that the consumption of wines would be increased by the proposed modification of duties, and that the total amount of revenue from that source would be augmented. By this bill, the duty on the red wines of France and Spain, when imported in casks, was reduced to 10 cents per gallon; on all other French and Spanish wines, and on those of Germany, and the Mediterranean, imported in casks, 15 cents per gallon. On sherry and Madeira wines, 50 cents per gallon; and when imported in bottles, the duty on the bottles to be added.

On all other wines, 30 cents per gallon; and when imported in bottles, the duty on the bottles in addition.

A drawback to be allowed on exportation, according to the existing regulations concerning drawbacks.

In the house, May 21st, this bill was at first rejected by a vote of 87 ayes, 88 nays; but, a reconsideration being moved, the previous question was called for, and the bill passed—91 ayes, 83 nays.

In the senate Mr. Chandler opposed the reduction of duty, on the ground that it was levied on what he deemed an article of luxury, chiefly used by the rich ; and called for the yeas and nays on the bill.

It was then passed—ayes 25, nays 10.

A bill introduced in the senate with the view of reducing the duty on salt, was less fortunate. This subject had been brought before to the consideration of congress ; and the attempt to reduce the duty had been resisted, because it was asserted that the revenue derived from the duty could not be spared ; and, secondly, because the duty was required for the protection of the domestic manufacture of the same article.

It was contended by the advocates of the reduced duty, that both these effects could not follow. If the increased quantity of imported salt injured the domestic manufacturers, the diminution in the rate of duty would be compensated by the duty being levied on a greater amount of salt imported. A long discussion ensued, on the propriety of reducing the duty ; but the bill was finally laid on the table ; and the senate, by a vote of 25 to 21, refused to resume the consideration of it.

A bill was also introduced in the house, extending the time within which merchandise may be ex-

ported with the benefit of drawback ; but the pressure of other business prevented its consideration until the second session.

In the senate, at an early part of the session, a very important question arose, when the bill regulating the process in the federal courts came under consideration, which induces us to give a short account of the establishment of the judicial system of the United States.

In order to avoid one of the difficulties which existed under the old confederation, and which, in fact, was the main cause of its inefficiency, the federal constitution was framed so as to make it operate directly upon the people, instead of being carried into effect by means of the state laws. The federal constitution, and the laws made in conformity to it, were intended to be paramount to state legislation, and are so declared to be by the constitution ; and inasmuch as it was foreseen, that these laws, made to subserve the general interest, must occasionally clash with local interests, provision was made to execute them, without the aid of the state authorities, through federal tribunals. In carrying into effect this provision of the constitution, congress laboured under peculiar difficulties. A judicial system was to be prepared for a people, divided into distinct communities, possessing distinct

judicial systems, and accustomed to laws, which, though derived from a common origin, had been variously modified.

The perplexity, arising from this state of things, was increased by the circumstance, that while, in many of the states, a temporary pressure had produced deviations from that course of administering justice between debtor and creditor, which was in conformity with the spirit of the constitution, and the true interests of the states themselves; the federal government was bound by its treaty with Great Britain, to see that no lawful impediment should be interposed, to the recovery of the debts owing by American citizens to British subjects. It found itself, therefore, acting as an arbitrator between conflicting parties. On one side, the foreign creditor, backed by his government, urged the payment of his demands. On the other, some of the state governments were inclined to interpose obstacles to the recovery of those demands, until the country recovered from the pressure of the war; and more especially, until Great Britain executed the stipulations of the treaty on her part. Many of the state laws regulating the execution of final process on judgments, were passed under the influence of this feeling.

The federal government, then a new and untried experiment, could not entirely disregard these cir-

cumstances; nor could it consider them as permanent. It, therefore, created federal courts; conferred on them the ordinary powers of courts, as well as jurisdiction over the subjects falling within their cognizance. And, in the act passed September 29th, 1789, regulating processes in the courts of the United States, it was provided, "that until farther provision shall be made, and except where, by this, and other statutes of the United States, it is otherwise provided, the forms of writs and executions, except their style and modes of process in the circuit and district courts, at common law, shall be the same in each state respectively, as are *now* used in the supreme courts of the same."

These writs, however, not enabling the federal courts to carry into entire effect the provisions of the constitution, an act of congress was passed May 8th, 1792, authorizing them to make "such alterations and additions" to these writs, executions, and processes, "as they shall, from time to time, deem expedient." This authority was conferred on the courts, not only to enable them, to supply any deficiency in the executions then authorized by state laws; but to empower them to modify the executions from time to time, so as to make them conform to the alterations subsequently made by state legislation, in case the judges

should approve of those alterations. Congress also intended, to bring back the course of justice as administered in the federal courts, to that wise and ancient usage, from which only a supposed necessity had induced a departure. It conceived, that this object could be best attained by conferring upon the courts of the union, the power of altering "the modes of proceeding in suits," and the form and effect of executions.

In this manner the system went into operation; the federal courts conforming in their executions and processes, to those of the respective states in which they were established; and modifying them only so far as to attain the objects, for which they were created. The sound state of feeling which prevailed throughout the union, after the country had recovered from the distress caused by the revolutionary war, had prevented any collision with the federal judiciary, from an interference on the part of a state with its process. The executions of the federal courts conformed to those, generally in use in the state courts in 1789, with some modifications, which fully subserved the purposes of justice.

The legal expedients devised in Kentucky, after the late war, to evade the payment of debts, (of which a particular account will be found in vol. 1. page 351.) gave

rise to a question, as to the power of the state legislatures, to pass laws controlling the process of the federal courts. Among the provisions of the laws of that state, was one, which required the plaintiff to endorse on the execution upon his judgment, his consent to accept, in payment of the same, the notes of certain state banks; or, in default of his doing that, permitting the defendant to replevy the debt for two years. Another provision prohibited the sale of lands, without the consent of the owner, unless they brought within three fourths of their appraised value. The marshal having made returns, upon executions issuing out of the federal courts in conformity with the state laws; the questions as to their validity and binding force upon the federal officers, were certified, upon a division of the judges at the circuit, to the Supreme Court of the United States for decision.

This tribunal decided, that these laws were not binding upon the United States courts, whose process, and the modes of executing the same, had been already regulated by the acts of congress, above mentioned, and by the practice of the courts established in conformity thereto. It was manifest, that a power in the state legislatures to control the process of the federal courts, was inconsistent with the advancement of justice, and might

defeat the very end of their establishment.

The same state of feeling which had caused the passage of these laws, still existing, much dissatisfaction was produced, by the decisions denying their binding force upon the federal courts. Besides, some of the western, and south-western states, were created since the passage of the acts of congress, regulating executions. The federal courts, of course, could not be guided by the direction to conform in their processes, to those then used in the state courts, as those state courts were not then in existence; and objections were made to the power of the courts to institute new writs. It was said to be an exercise of legislative power.

With the view of providing a remedy, a bill was brought in the senate, at the commencement of the 20th congress, regulating the process of federal courts in those states admitted into the union since the year 1789. This bill proposed to establish the modes of proceeding, in those states, at common law, the same as in the supreme courts of the same state; in proceedings of equity, according to the principles, rules, and usages, of the courts of equity of the said states; and in those of admiralty and maritime jurisdiction, according to the rules and usages of courts of admiralty, as contra-distinguished from courts of common law, ex-

cept so far as may have been otherwise provided for by acts of congress, and subject to such alterations and additions, as the courts of the United States may think expedient, or to such regulations as the supreme court of the United States shall, from time to time, prescribe.

January 18th.—The bill was taken up, and Mr. White offered an amendment, to include, also, states that may be hereafter admitted into the union.

Mr. White spoke at some length upon this bill, and advocated its provisions, as best able to establish satisfactory rules in the various states. He considered that an uniform system of execution laws ought never to exist in the different states; because what was convenient and expedient in one state, would not be so in another. It was obligatory upon such of the states, to select such rules as should best apply to the situation and interests of its citizens. Therefore, he considered that the best plan would be, to adopt the rules of the several states in the federal courts in each, in controversies in which individuals of different states were concerned.

Mr. Van Buren said, that it was proposed by this bill, to place the states, admitted into the union since the year 1789, upon a better footing than the others. In his opinion, this could not be done in justice. It was impossible to give

up all the power of the federal courts, without involving the country in confusion. That power ought to be limited to the utmost; but it ought to exist. This act, if passed, would enjoin upon the United States to conform to the laws of the states, not only as they were, but as they might prove to be. The object of the law of 1789, was to preserve the rights of persons coming into court: so far that act went. But it could not be expedient to declare, that the laws which each state might pass from time to time, should govern the federal courts. If congress gave up the law of the United States, to the different states, they ought to know what system they agree to, and not, by doing so, subject the jurisprudence of the country to everlasting change and uncertainty. He would suppose a case. A suit might be pending between an individual and the United States, and, during the pendency of the cause, the state legislature might pass an act, interfering with its decision, and calculated to stop proceedings until the next session of congress. Such interferences would overturn the rights of the federal courts. He was the last person who would give to the federal judiciary, rights to which it was not entitled. He was, on the contrary, as much convinced as any man, that more danger to the powers of the states, had been exhibited in the "signs of the times," during

the last six years, than ever before. But he would sustain nothing, that would go to overturn the legal and legitimate power of the government, which ought to be guarded and preserved.

January 21.—Mr. Van Buren observed, that he had misunderstood the scope of the amendment proposed, and learning that it did not contemplate to deprive the supreme court of its supervising power, he should not oppose the amendment on the bill.

Mr. Berrien said, that the bill seemed to draw a broad line of distinction between the old states, and those admitted into the union since 1789. The result would be, that the new states would have the power to regulate process by legislation, from time to time, subject to the supervision of the supreme court of the United States, while the old states would enjoy no such privilege. Why not, if this is a salutary provision, equalize in this respect, the condition of the different portions of the country? He wished an opportunity might be given to examine the subject. And to this end, he would move to postpone it to some certain day, or, to lay it on the table.

Mr. Johnson, of Kentucky, said; that he would vote for the bill, if it provided a remedy for the usurpations of the federal courts in Kentucky, in fixing upon that state executions, under the title of rules of

courts. Otherwise, he would not. He thought, the process should be regulated by state legislation.

Mr. Kane objected to the postponement. It was true, if the amendment of the gentleman from Tennessee prevailed, it would establish different regulations in the old, and the new states. But this did not present an objection to the bill of a serious nature; for, that distinction might easily be removed, by a modification of the motion, so as to make the operation of the principle general, throughout the union. He did not believe that the framers of the law of 1789, had taken up the laws of the different states, then forming the union, and entered into an examination of them, to aid in framing that act. Was it not more rational to conclude, that the national legislature of that day, had more confidence in the integrity of the states, than was felt by congress at the present time? And if they did feel that confidence in the states, why should not the laws of the states, so far as it would be expedient, be now adopted? The present law, he thought, went far enough: it gave the circuit courts power to alter and amend the laws of process, passed by the state legislatures; and to the supreme court of the United States, power to supervise and overrule them. It appeared to him sound policy, that the federal courts, as far as they should

agree with their rules, should be governed by the laws of the states. Wherever those laws were in hostility to their rules, it was in the power of the courts to amend and correct them. If the amendment of the gentleman from Tennessee prevailed, he would engage to introduce an amendment to make the application of the principle general to all the states. It was necessary that in some shape or other, this bill should pass, more especially for the new states, which were by the operation of adverse circumstances, deprived altogether of circuit courts.

Mr. Van Buren said, that this bill ought now to be decided upon. It was a measure which had long occupied congress, this being the second or third session in which it had been discussed. The bill passed the Senate in its present form, two years since. The course now proposed, was a middle one, and he saw no objection to it. It did not go the length desired by the gentlemen from Kentucky (Mr. Johnson.) It did, certainly, as was stated by the gentleman from Georgia, (Mr. Berrien,) establish two different rules. This objection, however, would be removed, if an amendment could be introduced to make its operation equal in all the states. As to the state which he in part represented, he thought it would be acceptable, and considered as in no way in-

terfering with the established Judiciary.

Mr. White observed, that the only reason why the amendment offered by him, did not extend over the whole ground, was, that he did not consider himself authorized to make any proposition for altering the condition of those states, in which the system of jurisprudence had long been established. For that reason, he proposed only to include the nine states admitted into the union since 1789. These were his motives. If the amendment should be adopted, he would willingly vote for a modification extending a similar provision to all the states. He would, however, acquiesce in the motion to lay the bill on the table, which was done.

Feb. 13th.—The bill was again taken up, and Mr. Rowan moved to strike out that portion of the bill, conferring upon the courts the power of modifying their process; and to insert in lieu thereof, a second section in the following words: "That so much of any act of congress as authorizes the courts of the United States, or the supreme court thereof, at their discretion, to add or modify any of the rules, forms, modes and usages, aforesaid, of the forms of writs of execution, and other process, except their style, shall be, and the same is hereby, repealed."

On this amendment, which brought under consideration, the

efficient existence of the federal judiciary, and its independence of state legislation, a long debate arose, that resulted in striking out the original bill—22 affirmative, 21 negative.

The first section of Mr. Rowan's amendment, was then adopted—28 affirmative, 16 negative; and the second section rejected—18 affirmative, 26 negative. The bill was then ordered to be engrossed.

On the 18th of February, the bill was again taken up, and Mr. Parris moved a reconsideration of the vote, adopting the amendment; but after some discussion, withdrew his motion; when Mr. Smith, of Maryland, moved to re-consider the vote. This motion was warmly opposed by Messrs. Rowan, and Tazewell.

Mr. Webster, who had not before been present during this debate, observed, that some extraordinary propositions had been laid down in the argument; but on account of the lateness of the hour, he was induced to move an adjournment, which was carried.

February 19th.—Mr. Webster addressed the senate at length, in favour of the motion to recommit. He entered into a view of the ostensible objects, and ultimate effects of the bill, and showed that the former were not adhered to, while the latter would be productive of great inconvenience. The grounds of his opposition to the bill, were,

that in many cases, it stops execution and other process of the common law, by making the process of the United States' courts, conform to that of the state courts; that it deprives the United States courts of the power to make rules, and gives to the state courts, the power to make rules for them; that it opposes obstacles to the recovery of debts by the United States; and that, in regard to equity, it abolishes chancery jurisdiction in many of the states, and confuses it in others. He denied, that the bill was necessary for the attainment of the purposes, for which it was framed. The final process, as affecting land and slaves, might be regulated by law; and, whenever gentlemen would bring forward their system, he would cheerfully unite with them in maturing it. He was willing that the benefits asked for by the new states, should be accorded to them; but felt it to be his duty to oppose a bill, pregnant with so much evil to the older members of the union.

Mr. Van Buren, also supported the motion to recommit. He considered the bill as liable to all the objections urged against it, and even more. The sense of the senate had once been decidedly expressed, against repealing the supervising power of the United States courts. The object of the recommitment, was to make the bill, what it was intended by the Senate to be, and what it was supposed to be, when it

passed to a third reading. It was obvious, that the bill, in its present form, was allowed to progress, merely through an oversight of the senate.

February 21st.—Mr. Rowan, moved to resume the discussion, and made an elaborate reply to Mr. Webster; and was followed by Mr. Tazewell, on the same side. Mr. Webster briefly replied, and the motion to reconsider, was then agreed to.

On the 28th of February, the subject was again resumed, and Mr. Webster said, that the bill, in its present shape, would operate upon all the states; and he should move to recommit it to the committee on the judiciary. He thought its provisions ought to be so framed, as to suit the purposes of all; and as the decision upon such questions belonged peculiarly to that committee, this bill ought to be once more referred to it. The bill had gone through various forms, and, in that in which it now appeared, he could not vote for it; however anxious he might be for the adoption of some measure, which would give to the new states, the relief promised by this bill. But he could not support it, while it proposed an innovation upon the judicature of the old states, with which, in reality, it ought to have nothing to do. He hoped, therefore, that this matter, made complex by the various motions in relation to it, would be again submitted to the investigation of the

judiciary committee, where it could receive a form, that would render it more acceptable to the senate.

Mr. Johnson of Louisiana, said, if you leave the old states as they are, they will be satisfied; but if you undertake to regulate their jurisprudence, they will vote against the bill. He was in favour of a recommitment.

Mr. Rowan was opposed to the motion to recommit.

Mr. Berrien and Mr. Kane said a few words in favour of a recommitment.

The motion to recommit was carried, 23 to 16.

March 17th.—The Judiciary committee, reported the bill, with an amendment, which was brought up for consideration, April 3d.

This amendment proposed to substitute for the bill, the following provisions:

1st. That the forms of mesne process, except the style, and forms, and modes of proceeding, in the federal courts, held in the states admitted into the union since 1789, at common law, shall be the same in each state, respectively, as those now used in the highest court of original and general jurisdiction of the same; in proceedings at equity, according to the principles, rules, and usages of courts of equity; and in admiralty, according to the principles, rules, and usages of courts of admiralty, except when otherwise provided for, by acts of congress; subject, however, to such

alterations and additions as the said federal courts shall deem expedient; or to such regulations as the supreme court of the United States shall, from time to time, prescribe, concerning the same.

2d. That in those states where judgments in the United States courts are a lien on real estate, and where the defendants in the state courts are, by law, entitled to an imparlance of one or more terms, defendants, in actions in the United States courts, shall be entitled to an imparlance of one term.

3d. That writs of execution, and other final process, issued on judgments or decrees in any of the United States courts, and the proceedings thereupon, shall be the same, except their style, in each state respectively, as are now used in the courts of such state; saving to the United States courts, in those states where there are no courts of equity, with the ordinary equity jurisdiction, the power of prescribing the mode of executing their decrees in equity by rules of court.

Mr. Berrien moved to add to the third section a proviso, giving to the federal courts the power of altering their final process by rules of court, so as to make them conform to any change made by the legislatures of the respective states for the state courts. This proviso was adopted—24 affirmative, 17 negative.

Mr. White then moved to amend

the bill, by striking out the word "now" from the third section. The object of this motion was, to include the laws, which might hereafter be passed by the legislatures of the several states in relation to final process, so that the rules relative to execution, which the states might hereafter adopt for their local courts, should be adopted in the United States courts.

Mr. Johnston, of Louisiana, said he rose to state the question now submitted to the senate.

The judiciary committee reported a bill for the process of the United States courts, adopting the laws and regulations of the several states. The gentleman from Kentucky moved to strike out the bill, and to substitute an amendment; the effect of which was, to adopt the laws and regulations of the several states, as they shall be from time to time made. A section was introduced, to take away from the courts of the United States the power to make rules and regulations. It was deliberately decided by the senate, that this section should be stricken out; and they substituted a section, giving expressly the power to the courts to make rules and regulations, but limiting the power to mere matters of form. The amendment, thus amended, passed. Upon the third reading, it was suggested by the gentleman from Massachusetts, that this bill unsettles the process law,

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as it now stands in the states admitted into the union before 1789; and adopts for the new states, not the law as it now stands, but such as it may be, by the future legislation of those states.

Upon full debate, it seemed to be the opinion of the senate, that no law changing the mode of proceeding was necessary for the old states, and that it was sufficient to provide for the new states; and it seemed also the opinion of the senate, that we ought to adopt the laws of the states as now in force, and not the changing legislation, that may be hereafter enacted by the states.

The bill was recommitted to the judiciary committee, to prepare a bill which they have now reported, striking out the amendment of the gentleman from Kentucky, and substituting one which provides for the process of the new states, leaving the old states as they now are with regard to mesne process, and adopting the final process of the states in all the states.

Now, those who are opposed to legislating for the mesne process of old states, and those who are opposed to adopting the future laws of the states, will vote to retain.

He was in favour of leaving the old states as they now are, and adopting the laws of the new states as they are now known to be.

Messrs. Rowan, White, Web.

ster, and Berrien, made some additional remarks, when the question was taken on the motion to strike out, which was negatived—ayes 15, nays 27.

Mr. Rowan then moved to limit the power of the federal courts to make alterations and additions to mesne process, to matters of form only, which motion was rejected—ayes 16, nays 26.

The question then recurred, on ordering the bill to a third reading.

Mr. Tazewell said, that the bill required an amendment in one small particular. The provisions of the bill were applied to the states admitted into the union since a particular day in the year 1789. Now, Rhode Island and North Carolina came into the union in the year 1790; the former in the month of June, and the latter in the month of July, of that year. Thus, those two States are brought within the provisions of a law, not made nor intended to be applied to them.

Mr. Kane said, that when the subject was well understood, there would be no difficulty about it. In reference to Rhode Island and North Carolina, the bill would have no other operation than to put them on the same footing with the older States; that is, upon the same footing on which they have ever stood, since they entered into the confederacy. No new rule is substituted for any rule formerly existing in Rhode Island and North Carolina.

The bill gives to those states the same rules, in the same words, which they have always had. He hoped the bill would not be further delayed. Its passage, this session, was essential to the convenience of the new States.

Mr. Berrien made some remarks, showing that the States of North Carolina and Rhode Island would not be injuriously affected by this bill.

Mr. Tazewell said he had no wish to procrastinate the bill. He had adverted to the facts that eleven states commenced the government. Rhode Island and North Carolina were then foreign States, as appears by the early acts of congress. The chocolate of North Carolina was, by a law then passed, considered as coming from a foreign state. Subsequently, these states came into the union.—A law was passed for extending the judicial act to them. They then stood on the same footing with other states. But now we pass a law, intended to apply to eleven other states, which came into the union since; and we apply it to all states admitted since a particular day. In this way we extended a law to Rhode Island and North Carolina, which was not intended for them. Perhaps it would neither do them any good nor any harm. But the accuracy of phrase due to the law was, as he thought, departed from in this instance. He should make no motion.

The question on ordering the Bill to a third reading was then taken, and decided in the affirmative.

The bill passed the senate, without further opposition, and was sent to the house for concurrence.

May 12th, the bill was taken up in that body, and Mr. P. P. Barbour stated the objects of the bill.

Mr. Bates, of Missouri, opposed the bill, on account of the delay that would be occasioned by the right of imparlance; and more especially of the section relative to final process. He referred to the unhappy state of things occasioned in several of the new states, by the adoption of what has been denominated the relief system; inveighed against the practical injustice produced by a false sympathy for debtors, who suffered nothing but the consequence of their own free acts; dwelt upon the necessity and value of sure and speedy justice; and deprecated any conformity, on the part of the United States, to the example set on this subject by the state laws.

Mr. Livingston said, that this bill would destroy the harmony at present existing in Louisiana, between the process laws of that state and those of the United States. The second section could not be applied to the judicial concerns in that state, without throwing them into complete confusion. He there-

fore should propose another section, exempting the state of Louisiana from the operation of the law.

This amendment was agreed to. Another amendment was also adopted, declaring the appearance term to be a term, within the meaning of the second section. This amendment was not agreed to in the senate, and the house receded from it.

The other amendment was accepted by the senate, and the bill became a law, without further opposition.

The Vice-President (as already mentioned in vol. I. page 87) having construed his powers, as presiding officer of the senate, as not permitting him to preserve order in that body, it became necessary to pass some resolution, declaring it to be within the scope of his authority. An amendment was accordingly offered, at this session, declaring that when a senator was called to order, "by the president or a senator, he shall sit down; and every question of order shall be decided by the president, without debate, subject to appeal to the senate."

This simple proposition excited a long and eloquent debate in the senate, in which the opposition generally sustained the view taken by the Vice-President, of his powers. They thought the authority proposed by the amendment, in the

presiding officer, as of the most aristocratic character, and threatening the most alarming consequences. The constitution was invoked, and the idea of placing in the hands of an individual, the power of controlling and checking the freedom of debate in forty-eight senators, was stigmatized as monstrous. Notwithstanding these oratorical appeals, on the part of some of the members, the good sense of the senate prevailed, and the power was declared to be in the Vice-President, by a vote of

31 ayes, 15 nays; and the amendment then passed.

The other business of the session did not possess much permanent interest. The tariff and the presidential election seemed to have absorbed the faculties, and engrossed all the attention of the members; and, after a long and rather angry session, congress adjourned, on the 26th of May, without much regret on the part of the community, at the termination of its protracted debates.

CHAPTER V.

Opening of second session of Congress—Message of President—Bill relative to drawback—Drawback on Sugar—Tonnage duty—Instructions to Panama Mission—Termination of Congress.

THE second session of the twentieth congress, commenced on the first of December, 1828, by the organization of both houses, in the usual manner.

In the senate, 32 members attended; Mr. Prince appeared in the place of Mr. Cobb, resigned.

In the house, 167 members answered to their names, and four new members, viz: Messrs. Tabor, of New-York, Chambers, of Kentucky, and Sinneckson and Randolph, of New-Jersey, appeared in the place of Messrs. Oakley and Metcalf, resigned, and Messrs. Holcombe, and Thompson, deceased.

The next day, the president of the United States, transmitted his annual message to congress, which will be found among the public documents in the second part of this volume.

The state of the foreign relations of the United States, had not materially varied, during the last year. The claims on France were still unadjusted; but the recent advices from the American ambassador, en-

couraged the expectation that the appeal to the justice of that government, would be properly answered.

The king of the Netherlands, had been chosen as the arbitrator, to determine the dispute respecting the north eastern boundary.

The state of the commercial relations between the United States and Great Britain, was then adverted to; and some of the acts passed by the British government, as retaliating measures on account of the tariff, were spoken of, as violating the commercial convention between the two powers.

A view was then given of the commercial system adopted by the United States; and an adherence to the principles of liberality and reciprocity which characterize it, strongly inculcated. Those principles had been partially adopted in the treaties formed by the United States, with Great Britain, France, Sweden, Denmark, Prussia, the Hanseatic League, Colombia, and Central America; and an expectation was entertained, that the mu-

tual abolition of discriminating duties, a maxim which prevails in all these treaties, would finally be adopted by other nations. A portion of the claims on Denmark, had been adjusted, and an assurance given, as to the equitable consideration of the remainder.

The receipts during the year 1828, amounted to \$24,094,864; nearly two millions more than the estimates in the last message.

The expenditures amounted to \$25,637,512.

The revenue of the year 1829, was estimated to be at least equal to that of the year 1828; and the public debt, which, at the commencement of the latter year, amounted to \$67,413,378

On the first of January, 1829, amounted to \$58,362,136

The expenditures of the post-office department, during the year 1828, exceeded the revenue about \$25,000, which was caused by a great increase of mail routes.

The increase in that department since 1792, had been from 5,642 miles of post roads, and \$67,000 revenue, to 114,536 miles of post roads, and \$1,598,000 revenue, in 1828.

The operation of the tariff, was then adverted to; and while its effects upon the different local interests of the United States, were recommended to the deliberate consideration of congress; a strong hope was expressed, that the exer-

cise of a constitutional power, intended to protect the great interests of the country from the hostile legislation of foreign countries, would never be abandoned.

The condition of the Indian population within the United States, was mentioned as requiring the particular attention of the legislature.

The systematic policy of the government, in fortifying the sea coast; in improving the internal communications of the country; in increasing the navy; and in improving the character of the army, by educating officers at the public expense, was approved of as beneficial in its operation upon the interests of the union. Congress was also reminded of the necessity of making provision for taking the fourth census of the inhabitants of the United States; and of the propriety of providing for an enumeration of its inhabitants, classed according to their ages, in intervals of ten years each class.

The president concluded, by assuring congress of his continued earnest wish for the adoption of the measures formerly recommended by him; and of his cordial concurrence in every constitutional provision, which may be presented to him, tending to the general welfare.

Congress appeared inclined, this session, to provide only for the necessities of the government. The term of the existing administration was too short to allow it to do more

than to bring its affairs to a close ; and the views and policy of the succeeding administration, were not yet developed.

Certain measures, however, affecting the navigating interest, were urged upon the consideration of congress ; and the policy of some of these, was too obvious to be overlooked by that body, which certainly had not, of late, manifested a very ardent affection for that branch of national industry, or even becoming regard for so efficient an arm of national defence.

The first of these propositions, was a bill extending the term within which goods may be exported, with the benefit of drawback, without any deduction.

When this bill was read a third time, December 11th, Mr. Wickliffe objected to its passage.

To the extension of time he saw no valid objection, but the repaying the whole duty was an innovation upon the established revenue system.

Two and a half per cent. had been usually retained on the amount of debentures, and this deduction had yielded annually about \$150,000. The law proposes to repeal this part of the revenue system, and to allow, in effect, all goods imported into the United States in quest of a market, to be exported without the government deriving any revenue therefrom. He thought the beneficial

effects of this law would be felt chiefly by the foreign merchant and manufacturer, and he should oppose it.

Mr. Cambreleng replied, that the two and a half per cent. deduction was not levied for the purposes of revenue. It had never been contemplated to derive a revenue from the transit trade ; but this deduction was made with the view of indemnifying the government, for the incidental expenses of warehousing merchandise intended for exportation. The deduction originally was one per cent. on the small rate of duties then imposed. It was afterwards increased to cover the expense of the stamp, when the stamp act was passed. The duties have been since increased, until the deduction is sixteen times the amount originally contemplated, while the expenses have actually lessened. There was no reason for retaining this provision in our revenue system. All the expenses, and custom-house fees, must be paid, independent of this deduction, before the goods can be taken out of the possession of the officers of the customs.

No other commercial nation had made such a deduction, except in lieu of all incidental expenses. The sole object of the bill was to place our trade on the same liberal footing, that the trade of other nations enjoyed. The continuance of this deduction would operate as

a discriminating duty in favour of the navigation of England and France. It was utterly inconsistent, with every principle of sound policy.

Mr. Barney said, that Great Britain, with the view of availing herself of the new markets of South America, had established free ports on our frontier; and if we would meet her on equal terms, we must repeal this duty on the transit trade. The South American trade is important. It already constitutes one third of our exports, and we ought to encourage it by every means in our power.

The bill finally passed—153 ayes, 28 nays.

In the senate, the principle of the bill was modified, by striking out a section, which gave to the secretary of the treasury power to extend the term, within which goods might be exported, and inserting a provision extending the term to three years. The bill was then passed, and sent to the house, where the amendments were concurred in, and it became a law.

Another bill, allowing an additional drawback on the exportation of refined sugar, was taken up in the house December 15th, 1828, and the discussion was continued till the 17th. This bill, which proposed to allow 5 cents drawback, instead of 4 cents per lb., was op-

posed by Messrs. Gurley and Brent, from Louisiana, on the ground that it gave a preference to the foreign, over the domestic sugar, and tended to postpone the time, when the whole consumption would be supplied by the sugar of domestic growth. It encouraged the introduction of a foreign article into the United States, when the country was able to supply itself. If the manufacturer refined for exportation, he ought to use the domestic sugar.

Messrs. Gilmer and Stevenson of Pa. said, that the sugar refining manufactories were increasing, and in a flourishing condition, and did not require any additional encouragement, and that if the bounty was allowed no one would use domestic sugar for refining.

Mr. Sergeant said, that it appeared, from a comparison of the amount paid on the exportation of this article, at different periods, that the business was declining. Between 1795 and 1803, while the drawback was equal to the duty, the average amount paid was \$9473 per annum, but that, upon an average, for the three last years, it amounted only to \$1733.

Mr. Sutherland said, that the Louisiana sugar was not fit for refining, and that all the sugar houses refined from foreign sugar.

He did not think that the domestic sugar could be injured by the competition, as at present it was

not sufficient, to supply the demand for table use.

Mr. S. Wood contended, that the bill created a new article of commerce; and that it was only doing what Great Britain did, in relation to her sugar refineries.

Mr. Cambreleng advocated its passage, as essential to place our sugar refiners on an equal footing with those of Europe. The raw material they used, was altogether of foreign production; and the principle had been acted on hitherto, of allowing a debenture double to the duty on the sugar, which was the rate now asked in this bill. The bill only aimed, to remove one of the restrictions on the trade of the country.

Mr. M'Duffie moved an amendment, requiring the refiner to make oath that the sugar, on which drawback was demanded, was refined from foreign sugar.

He said, he proposed this amendment, to guard against frauds; and expressed his conviction, that the present drawback was quite sufficient to cover the duty.

Mr. Taylor observed, that this amendment would produce inconvenience, as the exporter would not always be the refiner.

The amendment was then rejected—ayes 80, nays 90.

Mr. Wilde expressed his opinion, that this bill ought not to pass. He referred to the particular circumstances, which rendered our trade

in refined sugar more than usually prosperous; the fact of the French republic being excluded from commercial intercourse with the other European powers, and the consequent diversion of the trade into our hands. He stated, that the principal sugar used for refining, is the Havana laid sugar; and that no domestic sugar had, as yet, been used for that purpose, was the best proof of its unfitness. He suggested, that as we had, by the imposition of an increased duty on molasses, enhanced the value of that article; we had, by this duty, benefited the refiner of the foreign material, who could dispose of his molasses to better advantage. He attributed the diminution of our refined sugar, to the superiority of the British manufacture, which induces us to import from Great Britain or Canada, in preference to the consumption of our own. This inferiority, he attributed to the use of bad machinery. He concluded with expressing his hope, that the bill would not pass.

Mr. Mallary briefly met the arguments used in opposition to the bill. If he believed that Louisiana could be injured by this bill, he would vote against it. But he anticipated no such result. The domestic article is now insufficient to the supply. Instead, therefore, of any of it being exported, we are obliged to import foreign sugar, to make up the deficiency at home.

In cases, where a surplus foreign material may remain in the market, there will be a depression of price, in which the domestic article must participate. By the introduction of this drawback system, the foreign article is carried out of the market, and the domestic is left at home, without competition, to the manifest advantage of the grower. Were it not for the allowance of this drawback, there would be a very diminished importation of foreign sugar, to the injury of the commercial interest, and the revenue would be deprived of the duty, on so much as is consumed here. He objected to the use of the term bounty, in relation to that which is only the fulfilment of an obligation, viz.: to pay back, on exportation, the duty on the imported article. This is a maxim of sound commercial policy. He was of opinion that the bill was called for, and should be allowed to pass.

The bill passed to a third reading, by a vote of 117 ayes, 71 nays, and was sent to the senate for concurrence.

In the senate, when the bill was taken up, December 30th, a similar discussion took place.

Mr. Smith, of Maryland, said, the secretary of the treasury thought that this allowance was fair, in relation to the refiner, as five cents give no more to the refiner than he pays for duty. The bill will enable our refiners, to enter into

competition with the sugar refiners of Hamburg and England. Their sugar comes into market without duty; our sugar is taxed with one cent on the pound. Five cents is one tenth of a cent less than the duty paid by the refiner. But it is thought, that the five cents drawback would be sufficient to enable our refiners to enter into fair competition with foreigners in foreign markets. The Batavia sugar is the best for the refiner. Very little domestic sugar is refined. The Cuba sugar is the next best for refiners. Our trade with Cuba is very extensive, and our returns are received principally in sugar, which we export after refining it. On the whole, he thought, that the bill would be highly beneficial to the navigating and manufacturing interests, and to the interest of the country at large.

Mr. Benton said, this was one of those bills which was very likely to take a run, and pass both houses of congress without delay. The present drawback was very different from the drawback of the year 1790. It was a premium. In 1790, we had no domestic sugar, and there was no competition between it and foreign sugar, and no danger of fraud. There was proof before congress, that we paid a premium on domestic rum made of whiskey. Only one fourth part of the spirits exported as West India rum, was ever imported. Congress took away the drawback in that case.

We are told that domestic sugar will not do for refining. The truth is, that the refiner can get foreign sugar, freed from duty, cheaper than he can get domestic sugar. West India sugar costs three cents, and Louisiana five cents.

Mr. B. declared the drawback to be a tax, for the benefit of a few manufacturers, and a few foreigners; and that it was at war with the principles of the American system. He was opposed to the bill altogether.

Mr. Sanford remarked, that the senator from Missouri, had incorrectly denominated the drawback a premium. That it was a premium, in one sense, he admitted; but he denied that it took from the treasury a single cent, to which the government was fairly entitled. The drawback on sugar was essentially the same, with the drawback on salt used by the fishermen. We allowed the fishermen a bounty on the exportation of fish, equal to the duty paid by them on salt, which was used in curing fish. In neither case, was there any tax on the treasury, nor any burden on the people, unless fraud was committed. In respect to sugar, it was not pretended, that there had been any fraud, or suspicion of fraud. The question now was, whether we should permit our refiners to export refined sugar, free from the duty which they had paid on the raw sugar. In the present state of things, it was proper, he

thought, to encourage the manufacturer, by returning to him the duties which he pays on the raw material that he imports. We suffer him to supply us with refined sugar; why not let him supply foreign countries?

Mr. Johnston, of Louisiana, could see, he said, no objections to the principle on which the bill was founded. Another principle was equally plain—that when the country produced a sufficient quantity of raw sugar; the domestic, and not the foreign raw material, should be used in the refinement of sugar. He would, therefore, propose that this law should continue in force only five years. At that time, the operation of it would be well ascertained. If the trade should become an important one, and not prejudicial to any other interest, the law might be renewed. At that period, too, the production of domestic sugar would be greatly increased—perhaps, to an extent sufficient for the supply of the refiners.

Mr. Silsbee opposed the amendment. The sugar refiners, he said, would not invest capital in the business, on the supposition that the manufacture was to be sustained only five years. The information which the gentleman alluded to, would be shown yearly, in the report of the secretary of the treasury.

Mr. M'Lane opposed the motion to amend. The object of this bill was to extend the benefit of draw-

back to sugar, in whatever form it may be exported. It was no extension of the principles of drawbacks. The object is to encourage navigation and manufacture. But the amendment proposed, would send the manufacturer abroad, burthened as he is now burthened. He should be equally favourable to the bill, whether the production of domestic sugar should be equal, or not, to our consumption and manufacture.

Mr. Benton reiterated his objections to the bill. The supply of the whole twenty-four states of the Union, was already secured to our refiners; and yet we were told that, unless they can be sent abroad, to supply foreign nations, at our expense, their business will decline. He thought that, if we did this, we should, at least, permit foreign refiners to come here. As to the objection, that domestic sugar was too dry for refining—he said that the atmosphere and fire would, if applied to domestic sugar, have the same effect upon it, which it has upon foreign sugar. By putting a duty of twelve cents on refined sugar, we had given the exclusive supply of the home market to our refiners. But, not satisfied with this, they asked for five cents a pound on their manufacture, as a bounty, to be taken out of the pockets of the American people. It was the boldest application ever presented to congress.

Mr. Woodbury said, that if he agreed with the gentleman from Missouri, as to the origin and policy of our drawback on refined sugars, he might not disagree much from his conclusions. But the first statute on this subject, in A. D. 1794, was not passed because we had no sugar of domestic growth to protect; nor because the revenue was safe from frauds, by its not being used in the manufactories. There may have been no sugar then raised in the United States, nor any danger of its obtaining the drawback; yet the statute was passed from other reasons, of more general importance, and which had not since been impaired, by our extended cultivation of the cane. A little attention to those reasons, would free the present bill from numerous objections urged against its passage.

The paramount reason doubtless was, that imposts, as revenue, were intended to be collected only on such foreign imports as were consumed in this country. They were meant as a tax on home consumption, and not on trade or manufactures: and as the sugar used in refineries, and re-exported, was not in any sense consumed here, it was proper to relieve it from the imposts by a drawback.

Another reason was, the encouragement of those employed in the manufactory of refined sugar. The drawback enabled them to

send their labours abroad, on the same terms with other manufacturers in foreign countries. Whereas if the raw material was subjected to a large tax, they could not compete, in markets abroad, with Europeans, who, by their universal system of drawbacks in such cases, could afford the article at a lower price.

Another consideration, not least in magnitude, was, undoubtedly, the encouragement thus given to our carrying trade and navigation. Considerable quantities of an article were thus imported and exported, which, without the drawback, must find its final market or place of consumption through other channels, and not in American vessels.

The amendment was then rejected—ayes 16, nays 22; and the senate adjourned.

Dec. 31st.—The debate was renewed.

Mr. Dickerson said, that he had satisfied himself, that a drawback of 5 cents, was more than equivalent to the duty; and he was unwilling to extend the drawback to articles, which might be made from materials of domestic production.

Mr. Chandler offered as an amendment, that the law should expire, when the exports of sugar should be equal to the imports; which was agreed to.

The question was then taken on the bill, which was ordered to be engrossed—ayes 22, nays 15; and it became a law.

A tonnage bill, introduced in the house, more directly affecting the navigating interest, met with a less favourable reception. This bill, which proposed to repeal the tonnage duties upon American vessels, and all vessels placed by treaty on the same footing, was taken up in the house, February 4th.

Mr. Gilmer opposed the engrossment of the bill. He contended, that the tonnage duty was so light; that the whole amount proposed to be repealed by this bill, was only one hundred thousand dollars. He thought it unjust that the navigating interest should complain of a burden so light, when at the very last session, 925,000 dollars was appropriated for light houses, buoys, harbours, &c.; and the government had taken in hand a work for the benefit of this interest, which fifty years of tonnage duties would scarcely repay. He wished the public debt to be paid off, before any of these burdens were removed.

Mr. Sprague made some observations in reply. He did not say, that this was a very heavy duty; but, if unnecessary, it ought to be removed. He showed that the coasting trade was embarrassed by this duty; and it was rendered onerous by the delays, inconveniencies, and embarrassments, which it caused. He explained that the duty was onerous, not on the navigating interest only; but on all persons who were concerned in the trans-

portation of merchandise. These duties are paid into the public treasury. The documents show, that they reach the treasury. The law imposing fifty cents per ton for light money, on foreign vessels, is not touched by this law. He resisted the argument, that because there had been great sums paid out for the protection of this interest, its burden should be relieved and thought that all the revenue required could be raised in modes more agreeable to the public interest, than by taxing our ships.

He showed that commerce and agriculture generally, had been as much benefited by appropriations for light-houses, buoys, and harbours, as the navigating interest. The cotton grower of the south had his share of the benefits. If there were not these securities, the freight would be proportionably enhanced. If an account current is to be kept of expenditures, let the portion expended for the benefit of each interest, be charged to that interest. If so, the commercial and navigating interest, must be greatly the gainer by this practice.

As to the statement, that the navigation interest was the most lightly taxed, he repelled it, by showing that not only did the ship pay a heavy duty for the materials of which she is built and equipped; but the labourers employed, bear a greater share of taxation than labourers of any other class. He

showed, that the duty on the materials of a large ship had increased to six times what it was in 1790: and this increase was for the benefit of agriculture and manufactures.

The navigating interest had been weighed down, for the benefit of other branches of domestic industry.

The gentleman wished to pay the public debt, before he took off any burdens. He informed the gentleman, that this debt would be paid as fast as it is redeemable; and read, from the report of the secretary of the treasury, a statement, that twelve millions might be appropriated for the payment of the debt. He showed that, in 1833, there would be a surplus of six millions; and, in 1834, seven millions; and, in 1835, seven millions more than can be applied to the debt; because the whole of the debt is not redeemable until 1835. The argument, therefore, that we should keep on this 100,000 dollars a year, upon the navigating interest, to enable us to pay the debt, can have no weight; as the national treasury will supply means for its extinguishment much faster than it can be applied.

Mr. Gilmer replied to the observations of Mr. Sprague. He enforced what he had before said, on the subject of the easy collection of the duty. The officers employed in it would be continued, whether the duty were continued or not; therefore, the repeal of the

duties would not take any burdens from the people in that respect. The main thing to be regarded in taxation, is to impose equal burdens, and such imposts as can be collected most easily. He reiterated what he had before advanced, as to the disproportion which this tonnage duty bears, to the great expenditures made for the benefit of the navigation interest. His proposition was, that it was an unreasonable demand of this interest, to be relieved from all taxes, when so large an amount was expended for its benefit. He denied that he had said, that no other interest was benefited by the expenditures for light houses, bays and harbours. He had merely said, that these expenditures were made for the advantage of the navigating interest. He knew, at the same time, that, when you benefit any particular interest, all the other interests, more or less, participate in the advantage. Another of his propositions, which he said had not been answered, was, that the navigation interest paid a lighter duty in proportion to the amount of capital taxed, than any other interest.

He replied to the statements particularizing the articles on which the ship builder has to pay duties. He admitted, that these articles were taxed, but it was not a direct tax on the ship builder; it was no

other kind of tax, than that which every interest paid.

A motion was then made to lay the bill on the table, which was negatived—82 ayes, 92 nays.

Mr. Reed contended, that this tax is the most unequal of any which is imposed. That vessels were liable to this tax, on every change of owner. Since the establishment of discrimination duties, the ownership of vessels had been transferred from the capitalists to the mechanics, who have built the vessels in partnership. In 1818, it was a favourite measure with the south, to repeal the discriminating duties; and he had voted with the south on that occasion, although Massachusetts, including Maine, owned so large a portion of the shipping. He informed the house, that Great Britain, who taxed every thing, had left her ships free from tonnage duties. The question on the engrossment of the bill was carried—94 ayes, 78 nays. The next day, the discussion was resumed, and a motion was made to recommit the bill, with the view of repealing the duties on salt and molasses.

Mr. Martin then made some observations on the motion. He considered the frequent refusals, to consider a proposition to repeal the duty on salt, as emanating from the fact, that a few large states are interested in keeping up this duty.

He moved to postpone the further consideration of the bill, until Monday next.

Mr. Gorham then expressed his belief, that the owner of a ship would derive no more advantage from this repeal of duties, than every other man in the community. He objected to the engrafting upon the bill a number of propositions concerning subjects of domestic industry. The present tax on shipping, which the bill proposes to repeal, is light, and is troublesome and vexatious in the mode of collection. He referred to the statistical tables, to show that while our population had increased, our navigating interest had not kept pace with it; but that it was rather on the decline, thus affording proof that it was operated upon by some burdens. He thought gentlemen did not take a correct view of the question. While Great Britain was encompassing the globe with her commercial connexions, we embarrass even an inconsiderable proportion, to relieve the shipping interest, in the manner now proposed. He suggested, that he might be inclined to go with gentlemen in their propositions, at a proper time, and in proper form; but it must be evident, that if the spirit now manifested should be successful in embarrassing and defeating this bill, the whole of New-England must be against them. He referred to the policy which had been pursued, in abolishing all discrimination between American and

foreign bottoms; and after thus opening the way for foreign navigation, we impose burdens on our own. He reminded the house of the manner, in which propositions were introduced to amend the tariff, and the spirit of conversation which exhibited itself on that occasion. His own course, and that of the gentleman from Maine, had been the same and uniform, in considering every proposition distinctly. He hoped gentlemen would withdraw the motions to amend, which could not be supported by those who were the advocates of the bill.

Mr. Hamilton said, he did not mean to be betrayed by his own feelings, under a sense of the wrong which his constituents had suffered from the tariff, into a premature discussion of that question.

He expressed his belief, that the tariff was fastened on the country, under the public excitement, which was produced by the question as to who should be the next President. He was not about to vote for a reduction of the duties on the articles proposed, while the great staples of the country were left untouched. He intended to move to add, "and all cotton and woollen goods, and articles manufactured from iron."

Mr. Sergeant reminded gentlemen that it had been too much the practice to throw articles into the mass, in imposing duties: and it was now proposed to throw articles equally into the mass, in taking them off. In consequence of this

practice, he had been compelled to vote for duties on many articles in the tariff, which he did not desire to vote for. He objected, to the embarrassment of the simple provision in this bill, by such extraneous propositions. He was ready to consider and discuss the proposed reductions in detail; but he did not wish, to see them brought before the house in the present mode. He showed, that this tax operates on the grower, who has primarily to pay the duty. Whatever is added to the burdens of the vessel owners, is added to the cost of the freight, and must be paid by the person who has to transport it. He denied, that there was any thing sectional in the operation of this bill. Its effects would be general, throughout the Union. He was not ready to act upon the various propositions contained in the motions to amend, with the exception of the duty on tea, which was now before the house in a distinct form.

Mr. P. P. Barbour said, if this bill was to operate on those, who were concerned in the transportation of produce; it should be left to the producers to determine, how they might best be relieved. He reminded the house, that if the shipping interest had suffered, which he admitted; that suffering was to be attributed to the changes, which had taken place in the political and commercial relations of the world, and not to the operation

of the tonnage duty. When the tariff law was first passed, the duty on salt was 6 cents: it was afterwards increased to 20. In 1807 it was repealed. It was true, that it was imposed again in 1813; but it was only as a war tax. If there be a tax which ought to be repealed, it is this. He stated, that in the non-slave-holding states, every man, even the poorest, pays as heavy duty on his salt as the wealthiest. It was not sound policy, when all interests are complaining, to relieve but an inconsiderable portion, and to leave the others unrelieved. The subject involves too many ramifying interests, to be discussed at this time. He moved to lay the bill on the table, and asked the ayes and noes, which were ordered.

The question was then put, and the house being equally divided, 92 ayes, 92 nays; the speaker gave the casting vote, in favour of laying the bill on the table.

On the 26th of February, Mr. Sprague again moved the consideration of the bill, and the motion was carried—88 ayes, 67 nays.

Mr. Cambreleng expressed his regret, that when the bill was formerly up, the debate took a tariff direction. He assured gentlemen who had given it that direction, that it had no connexion with the tariff. He stated that the tonnage duty did not exceed \$100,000; and the weight of it fell on Ohio, Alabama, Louisiana, &c. He regretted any

movement upon this bill, on tariff ground. He went with the gentlemen of the south, in their objections to the present tariff, which he deemed a bad one; but it had nothing to do with this question. This will relieve Georgia and Florida from an oppressive tax. He wished to defer every question concerning the tariff, until the next session, when he hoped the present tariff would be revised, and so corrected, as to prevent any further applications for tariffs, for twenty years to come.

Mr. Mallary said that, although in favour of the tariff, he thought he could give a vote, consistently, in favour of this bill, the main object of which is to relieve the navigating interest by the way of regulation. He was for protecting ship building in the United States. As to the tariff, which is to be brought into every discussion, it is a settled question. No administration, be it composed of what men it may, dare disturb it.

Mr. Sprague moved the previous question—Ayes 71, noes 50.

The house, then ordered the question to be now put—ayes 98, nays 74; and the bill was passed, ayes 101, nays 75, and sent to the senate, for concurrence.

In that body, the following proceeding took place. On the second of March, the last day, when, by the rules of that body, any bill could be discussed, Mr. Woodbury moved, that the bill to repeal the duties on

tonnage, be taken up. As the bill had passed the other house, and had been reported by the committee without amendment, he felt it to be his duty to move its consideration. No further time would be occupied by it, than the reading of the report.

Mr. Tazewell said, if the bill was to be taken up, without any other reason than that which had been given; every gentleman would move the consideration of the bill in which he felt most interest, without reference to the orders. This being the case, he would mention that there was a bill, and a very long bill, more interesting to the public, than any other. He meant the bill, for taking the next census. That bill had no friend, because every one had an equal interest in it.—Another thing he would say: if the tonnage bill was taken up, no other business would be done this session. If the gentleman from New-Hampshire would not discuss it, those who were opposed to it, would. He threw out some suggestions in regard to the question which the bill presented, and which would create much discussion.

Mr. Woodbury replied, and supported the motion. He did not apprehend a long discussion of the bill. The Cumberland road bill, was passed here, in half an hour, although in the house, it had been discussed for weeks. He admitted that the census bill was highly important; and it could not, he said,

be reached, unless it was taken up out of its order. There were many interesting bills on the orders which, like the tonnage bill, must be taken up, out of their order, if taken up at all.

Mr. Hayne spoke against the motion. If the tonnage bill were forced up out of its order, no other business would be transacted to-night.

Mr. Smith, of South-Carolina, spoke against the motion. By the rules of the house, he had a right to speak as long as he pleased, on any question, and he pledged himself that he would, as long as his physical powers held out, speak in opposition to the bill, if it should be taken up. Mr. Smith proceeded to comment on the present laws, relative to the navigation of the country, the tariff, &c. He would agree to postpone the orders, for the purpose of considering the census bill, but no other.

The question being taken, it was decided in the negative; ayes 16, nays 23, and the bill was lost.

On the last day of the session, the President transmitted the following message to congress.

To the Senate and House of Representatives of the United States of America.

Washington, 3d March, 1829.

I transmit herewith, to congress, a copy of the instructions prepared by the secretary of state, and furnished to the minister of the United

States appointed to attend at the assembly of American plenipotentiaries, first held at Panama, and thence transferred to Tacubaya. The occasion for which they were given, has passed away, and there is no present probability of the renewal of those negotiations; but the purpose for which they were intended, are still of the deepest interest to our country, and to the world, and may hereafter call again for the active energies of the government of the United States.— The motive for withholding them from general publication having ceased, justice to the government from which they emanated, and to the people for whose benefit it was instituted, require that they should be made known. With this view, and from the consideration that the subjects embraced by those instructions, must probably engage hereafter, the consideration of our successors, I deem it proper, to make this communication to both houses of congress. One copy only of the instructions being prepared, I send it to the senate, requesting that it may be transmitted also to the house of representatives.

JOHN QUINCY ADAMS.

Mr. Tazewell said, before a word more of these papers was read, he moved that they be referred to the committee of foreign relations: agreed to.

Mr. Chambers moved that they be printed for the use of the senate.

After an animated discussion, in

which the merits of the mission were freely canvassed, the motion to print was negatived—ayes 16, nays 24; and then on motion of Mr. Tazewell, the message, and the accompanying documents were transferred to the executive or secret journal of the senate, by a vote of 25 ayes, 16 nays. This attempt to suppress this document, did not prove successful. Public opinion called for its publication; and after keeping on the secret journal, for a fortnight, the senate, on the 17th of March, by a vote of 22 to 10, permitted it to be published. It will be found in the second part of this volume.

The twentieth congress had terminated its session on the third of March; but the senate had been convened by Mr. Adams, with the view of enabling his successor to fill, without delay, the vacancies caused by the resignation of the members of his cabinet, and such others, as he might think it expedient to make, by removing the incumbents.

The proceedings of the next administration, fall more naturally within the limits of the next volume; and for that, we shall reserve its history.

CHAPTER VI.

Treasury Report for 1827.—State of Finances—Report of Finance Committee—Expenses of Congress—Pensions—Appropriations for 1828—Expenses of Government—Naval service—Discussion on bill—Hospital fund—Slave trade—Fortifications—Light-houses, &c.—Internal improvement—Discussion on do—Military service—Indian department—Public buildings—Treasury report for 1828—State of finances—Appropriations for 1829—Congress—Executive government—Pensions—Naval service—Fortifications—Light-houses, &c.—Internal improvement—Military service—Indian department—Public buildings.

PURSUANT to the act of May 10th, 1800, the secretary of the treasury, (Mr. Rush,) on the 8th of December, 1827, transmitted to congress his annual report on the state of the public finances.

This report showed a balance in the treasury, on the first of January, 1827, of \$6,358,686, being \$1,157,036 more than the balance of the preceding year, though falling \$66,852 short of the balance estimated in the last annual report. The actual receipts into the treasury, during the first three quarters of the year 1827, were estimated at

Viz. customs,	\$17,488,810
Public lands,	15,142,893
	1,212,011
Dividends from the U. S. Bank,	420,000

Arrears of internal duties, direct taxes, and incidental receipts,	681,561
Repayments of advances made in war department prior to 1815,	32,345
Estimated receipts during the fourth quarter,	5,117,480

Total receipts,	22,606,290
Expenditures during the first three quarters of the year 1827, were estimated at	17,895,390
Viz. civil, diplomatic, and miscellaneous,	2,013,521
Military service, including pensions, fortifications, averages, Indian department, &c.	4,750,271

Naval service, building, &c.	3,458,576
Principal of public debt,	5,007,303
Interest of do.	2,665,720
Estimated expenditures during the fourth quarter,	4,800,000
Civil, diplomatic, and miscellaneous,	672,243
Military service, &c.	900,000
Naval service, &c.	875,000
Principal of public debt,	1,500,164
Interest of do.	852,593

Total expenditure for 1827, \$22,695,390

And leaving an estimated balance in the treasury on the first of January, 1828, of \$6,269,585. Of this balance \$3,980,000 consisted of unapplied appropriations; \$1,000,000 of unavoidable funds; \$817,880 balance of the moneys received under the treaty of Ghent.

The receipts for the year 1828, were estimated at \$22,300,000 : viz. Customs, \$20,372,700
Public lands, 1,400,000
Bank dividends, 420,000
Other sources, 107,300

The expenditures at \$19,947,125, viz. Civil, miscellaneous, and diplomatic, \$1,828,385
Military service, &c. 4,332,091
Naval service, building, &c. 3,786,649
Public debt, 10,000,000

Leaving an excess of receipts over the expenditures, of \$2,352,874.

The gross amount of duties accruing during the first three quarters for the year 1827, was estimated at \$21,226,000 ; during the fourth quarter estimated at \$5,774,000.

The debentures for drawbacks issued during the first three quarters, amounted to \$3,381,942.

The amount outstanding on the 30th of September, was \$2,516,966. of which \$1,245,057 were chargeable on the revenue of 1828.

The total amount of the public debt, on the 1st of October, 1827, was \$68,913,541

Consisting of the same stocks that are enumerated at page 131 of the Annual Register, for 1826-7 ; with the exception of the loan of 1818, redeemable in 1826. This item was reduced from the amount of \$11,254,197

By the payment from the sinking fund to the amount of \$4,244,587

A further payment was to be made during the year, which would reduce the debt, on the 1st of January, 1828, to \$67,413,378.

Of the debt, as it stood at the date of the report, \$49,001,215 were owned in the United States, and \$19,912,326 by foreigners.

The Secretary, after furnishing

the above statements concerning the public finances, went into an examination of the state of the commerce and manufactures of the country, during the year 1827. The importations amounted to \$81,000,000. The exportations to \$80,000,000. He then proceeded to examine the capacity of the United States, to manufacture many of those articles of consumption, usually imported from Europe; stated the probable effects of encouragement of domestic manufactures, upon commerce and agriculture; and decidedly recommended such an alteration in the revenue system, as would afford a decided advantage to the American manufacturer; inculcated the necessity of prosecuting the plans of internal improvement; and suggested the propriety of establishing a warehouse system, and an extension of the time for the allowance of drawbacks, with the view of securing the carrying trade between Europe and South America. A diminution of the duties on teas and wine, was also recommended.

The reasoning of this report, and the conclusions to which the secretary arrived, were afterwards criticised, and a refutation attempted, in a report from the committee of ways and means, which was submitted to the house on the 12th of March 1828, by the chairman, (Mr. McDuffie.) The circumstances under which this re-

port was made, are detailed in Chap. 3. of this volume, page 55. A large number of both reports were printed by the order of the house, and they were extensively circulated throughout the country, as containing the principal arguments, both for, and against, the protecting system.

On the 24th of December 1827, a bill was introduced into the house, appropriating \$578,003, for the expenses of congress; which, of course, became a law, without opposition. \$5,000 were also appropriated for the augmentation of the library of congress.

On the 18th of January, 1828, the bills making appropriations for the revolutionary, and other pensioners, and also, for the support of the government, reported on the 14th, were taken up by the house; and having been agreed to, with some unimportant amendments, were sent to the senate for concurrence.

In that body, the former bill was amended, on motion of Mr. Smith, of Maryland, by an addition to the appropriation of \$564,000, that being the sum remaining unexpended, of former appropriations for the same objects. This amount, the department thought it had a right, in conformity with usage, to appropriate to the service of the current year; but Mr. Smith thought the practice illegal, and that much of the sum unexpended would yet be

claimed. The senate at first adopted the amendment; but the house refusing to agree to it, the senate receded, and passed the bill as it originally came from the house.

By this act, the sum of \$1,101,095 was appropriated for the payment of the revolutionary, and other pensioners, for 1828. An act was subsequently introduced, appropriating the sum of \$278,000 for the payment of those pensions, for the first quarter of 1829.

The act for the support of the government was also amended in the senate, by striking out some trifling appropriations for light boat and buoys, which were concurred in by the house.

By this bill the following appropriations were made, viz. expenses of executive department, including salaries of Vice President, all the deputies at Washington, and of the territorial governments,

\$655,055

Of judicial department 245,400

For diplomatic intercourse, 149,000

For light houses, beacons, &c.

178,539

For pensions 2,050

For miscellaneous expenses, 35,600

A subsequent appropriation of \$2,200 was made, for the distribution of the 7th volume of the laws.

The bill making appropriations for the naval service for 1828, was first taken up on the 12th of February.

On the clause appropriating \$185,032 for pay, subsistence, &c. of officers and men at navy yards, hospitals, shore stations, and in ordinary, being read, Mr. Hoffman, the chairman of the naval committee, inquired if the estimates of the present year, were the same as those for former years.

Mr. McDuffie said, there was an increase of \$20,000, in consequence of an increase in the number of officers.

Mr. Hoffman said, the increase was on account of that class of officers, who were waiting orders. The number of officers exceeds that, for which appropriations are made. There are 32 captains, although appropriations are made for only 27, and nine of these are waiting orders. It is proposed that there should be 7 masters, waiting orders. 111 lieutenants, 12 surgeons, 11 surgeons' mates, 4 to 8 pursers, 85 midshipmen. This occasions an increase of 5 captains, 5 masters, 56 lieutenants, 17 surgeons, 14 surgeons' mates, 6 pursers, 3 chaplains, 156 midshipmen. Mr. Whipple inquired if the number of officers was regulated by law, or if it depended on the discretion of the executive.

Mr. Hoffman said, it depended on the appropriations made. He thought too many were waiting orders, and, at present, he was not willing to increase the number of vessels in commission, or the num-

ber of officers not employed. One sixth of the current expenses, was caused by the navy ; and, believing that there was no necessity for an increase of vessels, he hoped that the appropriations for that branch of public service, would be in some proportion to the necessities of the times. The officers could easily find employment, in the commercial marine.

Mr. Taylor was glad, that his colleague had called the attention of the house to this subject. The navy had fought itself into favour ; and if it is to preserve the favour of the nation, it must be by congress, exercising a judicious vigilance, in relation to its expenditures. He hoped, that the naval committee, with the view of limiting the executive patronage in the appointment of officers, would, before the close of the session, report a plan for a naval peace establishment.

Mr. Williams, of North Carolina, inquired if the number of the officers was greater, than the necessities of the service. If not, he did not see how the appropriation could be refused.

Mr. Hoffman said, that the estimate of the last year gave a practical illustration, of the number of officers necessary for the vessels now in commission. An increase of one fourth is proposed, and this increase chiefly among the officers waiting orders. The number now

contemplated is by no means equal to officer all the vessels, which might be conveniently sent to sea ; but, according to the estimates of last year, the present number is quite sufficient.

Mr. Storrs said, that the inference from the estimates of last year, was clearly out of place. Every body knew, that the expenses of the naval service were increased, in consequence of the Brazilian war. Besides, the navy is gradually increasing, and the number of officers must be in some proportion, to the number of vessels. The idea of employing officers temporarily, as had been suggested by the chairman of the naval committee, was untenable, and the house would never sanction it.

The pay of the officers was too small ; and he joined in the hope, that some plan would be proposed for a peace establishment, by which the number of officers should be limited, and their pay placed on a proper footing. If there is any looseness in the present expenditures, it is the fault of congress, whose duty it is to propose the laws.

Mr. Dwight said, that the law for the gradual increase of the navy had rendered it necessary to increase the number of officers. The dock-yards, depots, &c. required additional officers. Are the officers men undeserving of employment ? No, they have earned their

right to employment by their services. He hoped the bill would pass without further discussion.

Mr. McDuffie observed, that the course which this discussion had taken, proved the propriety of the suggestion of an honourable member, (Mr. Bartlett,) on a former day, that every appropriation for the navy should be first submitted to the naval committee. The pay of the navy was a fixed compensation; and the estimates of the present year exceed those of the last by \$64,000. This excess is on account principally, of the increase in the number of lieutenants and midshipmen. Were we always to be at peace, the present number would be too many; and if he voted for an increase, it would be in reference to a future state of war.

He deemed some increase indispensable; and whether the present was too great or not, he was unable to determine. He hoped the committee would proceed to the other items of the bill.

Mr. Whipple doubted, whether a debate on the navy at this time was strictly in order. The discretion to increase had been given to the executive; and if there be an error in the investment of that discretion, it should be corrected, but not in this indirect way.

Mr. Sergeant said, that he did not feel disposed to take the estimates of the department, without

investigation. That the house should exercise a supervising power over the discretion given to the executive by annual appropriations.

As to the idea of a naval peace establishment, it was unsound. The navy had no peace. It had been constantly in active service. It was the settled policy of the country, to have a navy, which should be efficient in war, and useful in peace.

He adverted to the character of the officers, who had contributed so much to the glory of the country, and who had been brought up in the service.

Was it right to dismiss those men, in a moment of caprice? And if they were dismissed, could their places be supplied in a moment of exigency?

After some additional remarks from Mr. Hoffman, reiterating his former opinions, and concurring in the high character of the navy, this somewhat informal debate was adjourned to the next day, no motion having been made by Mr. H.

February 13th.—Mr. Hoffman brought on a similar discussion, by moving to reduce the appropriation for the pay, and subsistence, &c. of the navy, from \$1,176,312, to \$1,100,081. His intention in offering this amendment, was not to reduce the number of ships in commission; or the number of officers employed in those vessels; or of any that were to be employed

in the vessels to be sent to the Pacific, or the Mediterranean. His object was, to reduce the number of those waiting orders, so far as it was proposed to be increased.

He said this reduction would allow of the proposed diminution; and if the navy was sustained last year upon an appropriation similar to that proposed by him, he did not see the necessity of an advance for the current year.

Mr. Sprague stated, that the difference in the estimates was caused by the new system of navy yards. There was no such class of officers, as officers waiting orders.

Those who had been a long time at sea, were entitled to the indulgence of remaining some time on shore, waiting orders.

The chairman of the naval committee was mistaken, in supposing that the navy could be officered from the merchant service. It might be manned from that source, but officers must be educated for the service.

The country had had enough experience, of the folly of taking inexperienced men for officers in the army, at the commencement of the late war; and he hoped never to see a similar policy adopted for the navy. A series of worse disasters, might be expected from the application of such a principle, to that branch of the service.

Mr. Bartlett rose to say, that the opinions expressed by the chairman, were not those entertained by the naval committee.

After some further debate, in which Messrs. Gilman, Ingersoll, S. Wood, Drayton, and Weems, participated, the question was taken on the amendment, which was negatived, and the larger sum inserted—ayes 104, nays 53.

Some other unimportant amendments were adopted; and the bill then passed the house, and was sent to the senate for concurrence.

In that body, Mr. Smith, of Maryland, proposed to amend it, March 7th, by re-appropriating several items, which were carried to the surplus fund at the beginning of the year.

Another section was added, making an additional sum of one fourth of each item of the ordinary appropriations for the service of the first quarter of the year 1829.

The senate adopted these amendments; but the house, March 17th, only acceded to the first, preferring to pass a separate act for the first quarter of the year 1829.

The senate then receded from the second amendment, and the bill became a law.

By this bill, the following appropriations were made for the naval service of 1828:

For pay, subsistence, and provisions,	\$1,925,446
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Repairs of vessels,	\$475,000
Do. and improvements of navy-yards,	105,000
Medicine and hospital stores,	27,000
Completing, building, and equipment of sloops of war autho- rized by act of March 3d, 1825,	201,350
Enumerated contin- gencies for 1828,	240,000
Non-enumerated con- tingencies for 1828,	5,000
Contingent expenses for prior to 1826,	4,760
Expenses of marine corps,	182,827
Navy yards before ap- propriated,	5,300
Other sums before ap- propriated,	705
For purchasing land to provide live oak, and other timber, pursuant to act of March 3, 1827,	10,000
Arrearages prior to the year 1828,	15,000
At a later period of the session, a law was passed, making an addi- tional appropriation for the naval service of 1828. By this law, the following additional sums were ap- propriated, viz.	
For pay, subsistence, and provisions,	\$35,160
For medicine and hos- pital stores,	1,200
For outfits,	25,000

For repairs, &c. 10,000

An act was also introduced into the house, which became a law, providing for the naval service for the first quarter of the year 1829.

This practice of providing for a portion of the ensuing year, has been found to be necessary, as, in consequence of the delay in passing the appropriation bills, until late in the session, the business of the department was thrown into confusion, and very often crews were kept on board, for want of funds to discharge them.

By this bill, the following sums were appropriated for the naval service of the first quarter of the year 1829: viz.

For pay, subsistence, and provisions,	\$480,951
Repairs of vessels,	118,750
Repairs and improvement of navy yards,	26,250
Medicines and hospital stores,	6,750
Ordnance,	12,500
Arrearages prior to 1829,	3,750
Enumerated contingen- cies,	60,000

Non-enumerated contin- gencies,	1,250
Expenses of marine corps,	45,676

A bill was also proposed in the house, which afterwards became a law, appropriating the sum of \$46,217, to the navy hospital fund.

The bill appropriating \$30,000 for the suppression of the slave trade, may also be classed among

the public expenditures, through the navy department.

This bill, which came up, May 20th, 1828, occasioned some discussion in the house.

Mr. Mercer moved to amend the bill, which provided for the abolition of the African agency, so as to provide for the abolition of the slave trade, pursuant to the act of 1819.

Mr. M'Duffie said, this bill was unanimously recommended by the committee on ways and means. Every liberated African had cost the government, \$1,200, to \$1,500; and the same object could be much more easily effected through the colonization society. Besides, the agency had involved the United States, in some complicated relations. As agent of the society, he had commenced war with a neighbouring prince, and resumed his character as agent of the United States, upon the termination of the war.

Mr. Mercer hoped that the change might be postponed, until the next session, at least. The society, at present, had not even a corporate existence; and if the countenance of the government should be withdrawn, serious difficulties might arise. The expense to which the government had been put, did not furnish a sufficient reason for the abolition of this agency.

A great portion of that expense, had been caused by the difficulties

incident to the first establishment of a colony, and would not occur again.

He would be content to have the appropriation limited to \$10,000 annually, and that the agency should be converted into a consulate.

Mr. Sprague reminded the chairman of the committee, (Mr. M'Duffie,) that he had suggested the difficulty, which might arise from the want of a corporate existence on the part of the society.

The amendment was finally agreed to, and the bill, being sent to the senate, became a law.

In conformity with the policy of the government, to place the country in a proper state of defence, the following sums were appropriated for the completion of the forts, whose construction had been authorized.

	For 1828.	For the 1st qr. of 1829.
Fort Adams,	\$80,000	\$15,000
Fort Hamilton,	60,000	20,000
Fort Monroe,	100,000	15,000
Fort Calhoun,	80,000	10,000
Fort Macon, at Bogue Point,	52,500	10,000
Fort Jackson,	88,500	16,000
Fort at Mobile point,	80,000	20,000
Fort at Oak Island, N. C.	60,000	15,000
Fortifications at Pensacola,	50,000	20,000
Fortifications at Charleston,	25,000	15,000
Fortifications at Savannah,	25,000	15,000
Repairs and contingencies,	15,000	3,750
Preservation of islands in Boston harbour,	} 2,000	

In the senate, an amendment to the bill for 1828, was proposed, appropriating \$50,000 for a fortification at Barrataria. This amendment caused some discussion between Messrs. Smith, Harrison, and Johnson, in support, and Mr. Dick-

erson, in opposition to it. This fortification, they alledged, was necessary for the defence of New-Orleans ; and as it must be made at some time, they contended that the present was the best time ; inasmuch as officers of the engineer corps, were at New-Orleans, engaged in the construction of similar works ; and the materials for their construction, already on the ground.

Mr. Dickerson was opposed to commencing any new works, until those now constructing were completed.

After much discussion, the amendment was adopted, 31 ayes, 10 nays.

When the bill was sent to the house, for its concurrence to this amendment, Mr. McDuffie objected to it, on the ground, that to adopt it, would be departing from the plan recommended by the board of engineers. According to that plan, the proposed fortifications were divided, according to their degrees of importance, into three classes. The first, was nearly completed ; the second, barely commenced ; and this work was in the third class ; that which it was originally intended to postpone until after the completion of the others. He was opposed to such a total departure from the original plan, without any adequate motive.

These reasons prevailed with the house, notwithstanding a forcible appeal on the part of the delegation

from Louisiana, urging the importance of commencing this work ; and the amendment was not agreed to. The senate then receded from the amendment, and the bill became a law.

Congress also appropriated the following sums, towards the improvement of the sea coast.

For building light-houses, \$124,700

For beacons, buoys, spin-

dles, &c.

10,120

This act passed without much discussion, as its necessity was so apparent ; but that which made appropriations for the improving of harbours, and building piers, was amended in the senate ; and that authorizing the completing the Cumberland road, and making surveys, encountered serious opposition.

By the first of these bills, the following sums were appropriated :
For deepening and improving the harbours of Newburyport, Boston and Stonington, \$139,100

Repairing the public piers

in Delaware bay,

4,413

Removing the obstructions

in Ocracock inlet,

20,000

Do Apalachicola river,

3,000

Do Mississippi river,

50,000

Do Piscataqua,

8,000

Do St. John's and St.

Mary's, in Florida,

13,500

Do Pascagoula river,

17,500

Do Pas au Heron, near

Mobile,

18,000

Do Black river in Ohio,

7,500

Do Red river.

25,000

Surveys of harbours and rivers, 2,300

Erecting a pier and beacon in Warren river, 4,000

The second bill appropriated for the completion of the Cumberland road to Zanesville, Ohio 175,000

To complete other roads, 14,202

To remove obstructions in certain rivers, 27,193

Erecting piers, 49,789

Light-house in Delaware, 10,000

Surveys and examinations, under act of April 30th, 1824, 30,000

This bill, as at first reported to the house, was entitled, a bill making appropriations for internal improvement. When it was first taken up in the house, February 14th, some unimportant amendments were proposed, which were agreed to, authorizing certain local improvements.

The principle of the bill, however, was adverse to the opinions of a certain class of representatives, chiefly from the southern states. After several attempts to obstruct the passage of the bill, by members, who declared that they believed, that their efforts would prove vain against the prevalent feeling of Congress, the opposition to the exercise of this power, finally assumed a consistent form, on a motion made by Mr. Drayton, of South Carolina.

On the 26th of February, when this bill again came under consid-

eration, this gentleman moved to add to the section appropriating \$30,000 for surveys, &c. a proviso, restricting its expenditure to surveys of roads already contracted for, and of roads and canals for the transportation of the mail, and for military purposes.

Mr. Drayton said, that he thought this a favourable time to ascertain the sense of the house, on the subject of internal improvement. The legislatures of Georgia and South Carolina had expressed their opinions, adverse to the exercise of this power; and there were many new members of the house, whose opinions were not known.

Mr. D. contended, that the general government was one of limited and enumerated powers. The power contended for by the advocates of this system, was discretionary, and illimitable. This power is not to be found, among the enumerated powers in the constitution. The power to make post and military roads, he did not deny to congress; but this general power he did; and if under the power of appropriating money to specific objects, this power could be exercised, there was no limit to the powers of the general government.

He did not believe, that congress was invested with any implied powers; but that it did possess all that was necessary to carry into effect its vested powers.

Mr. McDuffie said, that it was

under the power of making roads for the purposes enumerated by his respected colleague, and under no other power, that congress had appropriated money for constructing roads.

Admitting, with his colleague, that the government was limited, he must, however, deny that any of its enumerated powers were limited. Congress may declare war. The mode, time and object, are all left to the unlimited power of Congress. The amendment of his colleague, would destroy the effect of the appropriation. The act of 1824, already limited the application of this appropriation to national objects, and if his colleague would not strike out the reference to that act, he would vote for the amendment.

Mr. Drayton then withdrew his motion, to strike out the words referring to the act of 1824.

Mr. Storrs said, that his opinions were formed on broader principles, than those adverted to, by the gentleman from South Carolina.

In his view of the constitution, he was justified in voting for light-houses, and in some instances for canals; and in all national objects, he thought that the consent of the states was not necessary to enable the general government to act.

Mr. Sergeant objected to the amendment, because it confined the application of the money to surveys. preparatory to making

roads of a particular description. Who is to judge? The surveys are merely experimental, and the executive alone, has a discretionary power in directing them.

He was also against deciding in this collateral manner, a question of so much importance, and which had already twice received the sanction of the house, after deliberate arguments.

The debate thus commenced, was continued on the amendment, proposed by Mr. Drayton, until the 28th of February, when it was negatived.

It was again renewed by an amendment, offered by Mr. Oakley, limiting the expenditure of the appropriation, to complete surveys already commenced.

He said, that this amendment more fairly opened the discussion which the house had commenced; and as he perceived an indication of a desire to go further into the merits of this question, he would move an adjournment. This motion prevailed, 90 to 69.

March 1.—Mr. Oakley said, that he introduced this amendment, with the view of putting an end to the plan of internal improvement, as the same had been conducted under the act of 1824. He regretted, that he had already observed a disposition to consider this as a party question. Such was not his design. He thought the present administration had nothing to do

with the policy of this plan. It originated with the preceding administration ; and those now in power had done nothing more, than to carry the law into effect, as it was their duty to do.

He did not mean, to consider the constitutionality of exercising this power, but only the expediency.

But while avoiding the consideration of the constitutional question, it would be useful, in reference to the question of expediency, to advert to the nature and character of the power, under which congress is supposed to act, in legislating on the subject of roads and canals.

On the supposition, that congress possesses the constitutional power, to appropriate the public funds to purposes of internal improvement, it must be admitted, that it is a constructive power, uncertain, undefined, and of doubtful character. It is so, considered in reference to the various sources from which it is supposed to be derived, and the different views of its advocates, as to the extent to which it can be exercised.

The government, he said, was of a complicated character. Considering your federal and state systems, it may be truly said to be a novel experiment. The world has witnessed many instances of confederacies and independent states, in which the power of the confederacy has operated on the people,

through the medium of the local authorities ; but we have, in fact, two governments, acting directly on the same people. Possessing, in many instances, concurrent powers, they must, of necessity, frequently come into conflict. It is on account of the danger arising from these conflicts, that he had considered this experiment in government of doubtful result. It is not surprising, that, under such a system, men should differ widely in their opinions, as to the rightful powers of the general government. There must, under our constitution, necessarily be many powers derived by the construction. All cannot be enumerated, or expressly delegated. Among these powers not enumerated, and, of course, undefined and uncertain, is the power now in question, if it exists at all.

Under such a complicated system, with constant danger of collisions between the federal and state governments, it was the part of true wisdom, to legislate, in all cases, with great caution and moderation ; and especially when called upon to act under any disputed power.

He also objected, Mr. O. said, to the policy of a system of internal improvement, under the immediate agency of the general government, on the ground that it would be a fruitful source of jealousy and collision among the dif-

ferent sections of the union. Although the objects of the public expenditure might be, in some sense, national, yet the benefits conferred must, in all cases, be more or less local and sectional. Hence, there was great danger, that the time might arrive, when such a course of legislation would lead to combinations in this house of an improper character. Bills would be framed, involving local interests, to a sufficient extent to combine a support strong enough, to force them through.

He did not intend, to mark out any definite mode by which the distribution should be made. His object was, only to suggest that some such mode might be adopted. If there was any doubt, that congress could distribute its funds to the states, to be expended by their agency in works of public improvement, let congress itself expend them in the several states, according to some equal and certain rule of appointment. Even this would avoid many of the evils to be apprehended, from the continuance of the present mode.

But is there any ground for the doubt, that congress does possess the power to apportion the public money, or lands, or any part of them which may be devoted to the purposes of public improvement, among the states, in the ratio of their representation, to be expended by the state authorities?

He objected also, Mr. O. said, to the principle of the act of 1824, on the ground that it violated a rule, which ought to govern all our legislation, on the subject of the expenditure of public money—the rule of specific appropriation. That law, in its terms, looked only to such public works as were of national importance; but, instead of designating the surveys preparatory to those works, the whole business of the surveys and examinations was left to executive discretion. He had been surprised, to hear a gentleman from Virginia (Mr. Mercer) say, that the character of the intended works, as to their national importance, could not be determined until the surveys had been made; and that congress could not, therefore, specifically designate them. Surely this could not be so. It could not have required the labours of a corps of surveyors, or engineers, to inform congress that the road to New-Orleans, or the Chesapeake and Ohio canal, would be a work of national importance. He had supposed, that the surveys and examinations directed by that law, were intended to ascertain the practicability, and probable expense, as well as the most eligible route, of the road or canal. Their national character congress was, at all times, able to determine. That body, then, according to his views, ought to have directed surveys and examinations

as to such public works, as they might have judged to be of a national character. Instead of this, an appropriation, indefinite as to its objects, was made, and the expenditure of it left to executive discretion. What was the consequence? A general rush upon the executive seems to have been made, by individual members of congress, by combinations of members, by governors of states, by mayors of cities, and, finally, by private canal or road companies—all pressing for aid, by the government, in the prosecution of such objects as they deemed important, and some of which seemed to be important only to themselves.

He contended, that no power, and especially that of expending the public money, ought ever to rest in executive discretion, when the mode and objects of the execution of the power could be marked out by congress. That principle should never be departed from; and it was because he considered that the act of 1824 was a departure from that salutary principle, that he strongly objected to it.

Mr. O. said, he further objected to the present plan of prosecuting the work of internal improvement by the general government, because he thought a safer and better mode might be adopted, of appropriating the surplus funds of the treasury to that object. If it was

deemed expedient, to apply any portion of the public money, or lands, to the construction of roads and canals, he was decidedly of opinion, that the fund ought to be apportioned among the states according to some just and equal rule.

This idea of apportioning the funds of the government, for certain purposes, among the states, according to the ratio of representation, is by no means a novel one. He only adopted the views, which very distinguished men had entertained on the subject. The house would find, that in 1817 a law actually passed both branches of the legislature, based upon this very principle. It set apart a fund for internal improvement, divided it among the states in the proportion of their representation, and provided for its expenditure on such objects of public utility as the states might approve. The principle of that law was, indeed, somewhat more narrow than the one he had suggested; but it was substantially the same, and it distinctly recognised the expediency of a distribution of the public money according to a certain and equal rule of apportionment. The act of 1817 was returned by the President, with objections, not to its particular provisions, but to the general power of congress to pass any law of the kind. This act, Mr. O.

said, received in this house the support of the most distinguished men then belonging to it; and so evident was the justice of the principle involved in it, and, he might add, so beneficial to the state of New-York, that almost the entire delegation of that state voted for it. And he submitted to his colleagues, whether the interests of that state did not now require them to adopt similar views.

This apportionment was within the power of congress; and he thought it highly expedient to make it.

Mr. Gorham said, that he considered no subject of so much importance, as the principles upon which the revenue of the country was collected and disbursed.

It was not surprising, that some instances could be adduced, of departure from the obvious policy of the country. He insisted, that if this power exists at all, it is a power confided to congress. It is not intrusted to the states, to select the objects for which disbursements of the public money are to be made; congress are to have the power, and solely to congress is it intrusted. It was important, that mere metaphysical forms, and nice distinctions of power, should not be the only objection urged against its exercise. The question of constitutional expediency may be still more important. Why are we intrusted with the collection of the

revenue? Although in its composition and powers, this government is altogether federal, yet it becomes a national government, when these powers are put in action. With a slight exception as to the judiciary, it is national, general, and direct, when these powers are in action, not necessarily recognising the states in that character, either as objects or agents of its power. Whence can we derive the power to collect taxes, and then distribute the revenue, not according to the wants of the states, but in the ratio of their population? You are bound to distribute it with a view to the general welfare; but how do you do this, if you are to adopt as the rule of distribution, the ratio of population?

Again, you intrust the disbursements, according to the plan of the gentleman from New-York, to agents who are both irresponsible and irremovable. In the ordinary disbursements of the government, you appoint agents who are responsible, and you are bound to do so, from the nature of the power which the people have intrusted to you. The states, as agents, cannot be made so. They would only laugh at you, if you attempt to make them so. If the states ask for appropriations to make roads and canals; may they not also ask, and receive them, for the purposes of education, or any object for which money is wanted? Is there any limitation, to the power

in this respect? After you have commenced this operation of distribution, you will create a disposition in the states, to come here for the purpose of supplying their local wants; which will lead them to curtail their own taxes, and transfer their burdens from their own citizens, to those of the union.

Again, in what ratio can this distribution be made? The bill referred to, distributed the bank bonus, and dividends of the bank stock, in the ratio of representation; but such a rule could not last long. Every man from the non-slaveholding states, would raise his voice against such an apportionment. It is the white population, which pays the revenue of the country. There is not a man from the non-slaveholding states, who will not be driven by his constituents, to vote against this principle. It is from them, that the revenue of the country is derived. He did not intend to find fault with the post-office expenditures. He did not complain, of the ordinary expenditure of the government. The whole of the duty on tea, was raised north of this place. So too as to imported spirits; the citizens of the north, pay nearly all the tax, and a very great portion of the tax on coffee. One thousand of the citizens of New-England, pay twice the amount of tax paid by the same number of the south and west of this place. When you come to divide the money, do you suppose

then, that you could assume the ratio of representation? The constitution says, direct taxation, and representation, shall go together; but nine tenths of the public revenue, is derived from indirect taxation, and is almost exclusively paid by the white population. He saw in this principle, which had been now advanced, the source of the most agitating questions. The old Missouri question, stormy as it was, would be but as a gentle breeze, in comparison with it. Before we should have done with it, it might end in the total dissolution of the union. When, therefore, he heard a gentleman of the high rank and standing of the member from New-York, advocate such a doctrine, he felt it to be his duty to make a solemn protest against it.

Mr. Storrs concurred with his colleague, that the opposition of this bill could not be treated as an attack on the administration. It was attempted, at the last session, to check the grant of this power, on the ground that some great abuses had been practised by the present administration. He referred to the resolutions offered at a former session, in 1819, on the subject of a general system of internal improvement, which went farther than any motion which had been subsequently brought before congress. One of the resolutions, the chief one, was carried by a vote of 75 to 57; and the gentleman

from South Carolina, since deceased, (Mr. Lowndes,) had voted in their favour. He adverted to the resolution, which was the origin of the present measure. The work of the engineers was performed very loosely until 1824, when the act was passed, authorizing the Executive to adopt a system in the employment of this corps.

He asked, how it was that this measure was discovered to carry with it such tremendous power, within the last twelve months, and not before? How is it now found out, that the appropriation of 80,000 dollars is sufficient to corrupt the American people. It had been said this was a doubtful power.—He presumed it was intended that the power was doubtful, because it was denied. But he contended, that a power, denied by a minority, could not be regarded a doubtful power. It is doubtful to those who doubt it. But he deemed it too much to contend that it is doubtful in any other view. He adverted to the bank charter, the power to give which, was denied—yet he did not suppose the power was now to be regarded as doubtful. He said, that precedents have force. When a question had been settled after discussion, and had been acquiesced in, and acted on by successive executives, he did not see how it could be regarded as doubtful. There must

be some period, when the power must be considered as settled.—He was glad, that his colleague had not expressed any disbelief of the doctrine, that congress possesses the power; yet his proposition is as fatal in its operation, as though it was against it. He desires to stop the system at this point. The question is, whether we shall abandon this system? That is the effect of the proposition of his colleague, and the effect and drift of his argument. If the motion should prevail, his colleague had effected his object.—No system will ever be commenced again. We have no power to divide the public revenue among the states, in any ratio, to be expended by those states, through their own agents, and for their own benefits. He considered, that to do this, would be to retrocede our powers as the legislature of the union. The powers are to be exerted by ourselves; and he would as soon transfer the treaty-making power as this. He considered it extremely dangerous to abate, in any degree, the power of disbursing the money of the union, which is intrusted to us.

As to the moral effect of the proposition, he said, his colleague had stated, that this very bill was so drawn up as to combine various interests. The argument of his colleague had another tendency, and that was to rouse the discon-

tented and avaricious feeling of those states, which have not participated in this system. It addresses itself, also, to popularity, and cannot fail to produce some effect. He referred to the origin of this measure. His colleague would find, by reference to the act of 1817, that it only authorized the commencement of such works as congress might designate. In that act, the constitutional question is still retained, because no state can carry it into effect without the consent of congress. His colleague, therefore, could not produce that act, to destroy any of the arguments or propositions which he (Mr. Storrs) had laid down. He adverted to the report of the committee on the New-York application, to show that there the power of congress to make roads and canals was admitted.

The argument derived from the idea, that this measure will lead to local jealousies, is too narrow. It ought rather to be, whether these jealousies are rational. He gave credit to the American people for the existence of a spirit and feeling, too national in its character, to permit the operation of such feelings as he had apprehended, to any mischievous extent. He stated, in reference to New-York, that there is not a canal which can be opened, which does not pour wealth into that great emporium. The people

of New-York understood this, and his colleagues understood this.

Another reason assigned was, the want of accountability, under the present system. This is an argument which always existed; why has it not been discovered before now? It has been, indeed, long since discovered, that in all disbursements, there must be some waste.

As to the objection, that this was a departure from specific appropriations, he said, that it was impossible to make the appropriations specific, because we want the preparatory information which these surveys are to supply, to enable us to decide what objects are to be executed. We now do no more than to call on the department which possesses the means, to furnish the information; and we give an appropriation, to enable them to comply.

Mr. M'Duffie expressed his belief, that nothing which could be said could change the vote of the house. He would refrain from answering the gentleman from Massachusetts, or he could demonstrate that 2,000,000 of the white inhabitants of the south pay one half of the whole revenue of the United States.

The proposition is, whether we will restrict the appropriation to the surveys commenced. He was opposed to it, because we do not know the character of the surveys

which have been executed, which have been completed, or which have been commenced. We have entered into the system, and many of the most important objects, among which he specified the Chesapeake and Ohio canal, are not yet touched. If we are to restrict the appropriation, he would restrict it to national objects, or arrest the work altogether. If the system is to be carried through, and, having gone so far, it would not be wise to stop it near the close of the journey, we should go on as we have begun. As to the act of 1824, it was distinctly ascertained, that if we attempt to restrict the surveys to national objects, we must break up in interminable confusion, or adopt the suggestion of every separate member.

The debate was further continued by Mr. Barney, in opposition to the amendment, and Mr. Hoffman, in its favour, until the adjournment of the house, to Monday, March 3d. On that day, the house postponed the further consideration of the bill, and took up the tariff.

On the 7th of March, the discussion was again resumed, when Messrs. Gilmer, Kremer, Weems, and Randolph, expressed their opinions against the whole plan; and Messrs. Marvin, and Whipple, participated in the debate. The question being finally taken, on Mr.

Oakley's amendment, it was rejected—ayes 72, nays 100.

The section then was adopted—ayes 111, nays 60.

March 8.—The bill was passed, ayes 124, nays 57, and sent to the senate, for concurrence.

In that body, several amendments were proposed by the committee on finance, to whom it was referred. These amendments came under consideration, on the 8th of April.

The first amendment, which was to reduce the appropriation for a road from Detroit, to Chicago, from \$9,500, to \$6,500, was agreed to.

The next amendment was to confine the appropriation for surveys, to completing the surveys already commenced.

Mr. Smith said, that he was directed to offer this amendment, by the majority of the committee. The bill, as it now stands, authorizes an appropriation of \$30,000, to be applied in defraying the incidental expenses of making examinations and surveys, now carrying on under the act of 30th April, 1824; and no part thereof, is made applicable to such surveys, examinations, rail roads, or improvements, as may be applied for, by other states of the union.

Mr. Johnston, of Louisiana, was opposed to this amendment; first, because the question was debated, and investigated by the other house, and, after full debate, sent in its

present shape, to the senate. Another cause is, that it will give rise to further discussion in the other house; if the amendment is adopted. In addition to these considerations, Mr. Johnston was opposed to it for other reasons. Heretofore, it was in the power of the secretary of war, to cause such surveys to be made, as were found necessary for general improvements. It is now sought, to limit these surveys. In Mr. Johnston's state, they are at a great distance from the aid of engineers, and look to the general government for aid.

The surveys of Dunkirk and Oswego harbour, in the state of New-York, Pittsburgh, Presque Isle, Ashtabula Creek, and various others, have been completed; with regard to the new states, nothing has been done. It was not because their necessities were less urgent, that they have not applied; and now that the appropriation is made, we are exempted, because it is alleged, a corps of engineers must be distributed throughout the states. It is not necessary to send an entire corps; one man is sufficient to examine, in the first instance. Instead of taking the entire course, by different surveys, one grand survey along the coast, would effect the object; by dividing your engineers throughout the country, you alarm the public. Mr. Johnston knew of no great work, that was not already completed; and wished those states,

which were not already surveyed, should have the benefit of the appropriation. The new states should also have the benefit. We are obliged to forego our rights, until the time is over, when, by a proper appropriation of this sum, every state can be surveyed. No constitutional limit, to exclude these new states, should now be sought, when the sense of the house has been already taken on the subject.

Mr. Webster inquired, what were the grounds upon which this amendment was recommended.

Mr. Parris said, that it was on the ground, that to commence new surveys, would require an augmentation of the engineer corps; and the committee thought it much better to complete the surveys already commenced, than to be compelled to increase that corps, in order to gratify the desires of all parts of the country. He was not opposed to the law of 1824; and he had no objection to send the engineers wherever they were required; but considered it better to relieve the department, and oblige the completion of the performance of those surveys now carrying on, before others should be commenced.

Mr. Webster opposed the amendment. He would prefer a direct proposition to repeal the act of 1824. He was in favour of the entire act of 1824. The money was better laid out under that act, than under any other ever passed. It was our good fortune

to live in a time of profound peace. Improvement was the peculiar work of peace. We now pay \$30,000 a year for knowledge of ourselves, of our country, and its resources. We would not hesitate, to appropriate this sum to some great fortification. He would leave it to any man to say, whether it was not an object of the greatest importance, that we should obtain a correct knowledge of every part of our country; that we might know what could be made of it. We have an excellent board of engineers, originally created for military purposes, but whose skill can be of avail in time of peace. If the number of engineers was too small, he was willing to augment it. They could not be better engaged, than in making surveys and examinations. It was said, that they were sent to the assistance of states and corporations. This he could not view as improper. It was said, that several surveys had been made for the same object. How was the route of a road or canal to be determined, without bringing into comparison different routes? When the whole was seen, it could be determined, whether the road or canal was practicable, and which was the least expensive route. Mr. W. could see no propriety in saying we will go through with what we have before us, and then, for the present, we will stop. He thought, it would be better to repeal the act of 1824 altogether, than to adopt

the amendment. These surveys he considered, as being intimately connected with the public prosperity. No one could look about this country, without seeing, that in the last four years a new impulse had been given to internal improvement, and to national prosperity, by the operation of the law of 1824. Hereafter, on a proper occasion, with very close attention to the means of the treasury, he hoped the government would yield its aid, to effect such improvements as were truly national.

Mr. M'Lane said, that so far as he understood the subject, the amendment met his views. He did not coincide with the suggestion of the senator from Massachusetts, that it was better to bring forward a direct proposition to repeal the act of 1824, than to adopt the amendment. He was as much in favour of the act of 1824, as any member of this body. In the other house, he had the honour to bear a part, though an humble part, in framing that law. He remembered the opposition it encountered, and the struggle which ensued. The bill was discussed at great length; and the chief objections made to it were grounded, on the impropriety of extending its operations to local objects; and it was insisted by the friends of the bill, that its objects were exclusively national, connected with national defence, and with the transportation of the mail. It was not intended by the framers

of the act, that any part of the appropriation under it should be devoted to local objects in states, counties, or corporations. So far from its being the object of the committee to repeal the act of 1824, they only wished to bring it back to its original objects. From the passage of the act down to this period, not a single survey had been completed. The surveys authorized, were not only begun, but it was not in the power of the corps to complete them.

The object of the committee of finance was simply to arrest this course. He was not disposed to withhold assistance from any state. He was willing to send the corps to the assistance of any state or corporation; but he thought it right that their expenses should be defrayed by the state. Although in favour of the general principle of internal improvement, and willing to go to a great extent in the promotion of it, yet he thought that those objects which were national, were very few; and, in his opinion, by transcending the limits of our powers, we created a reaction of sentiment in the country, which ultimately would put down internal improvement. No one could have noticed public sentiment, for the last five years, without perceiving that a strong reaction of feeling on this subject had taken place. The measures of the government had been in advance of public opinion :

they had gone infinitely beyond it. The consequence was a reaction. Sir, said Mr. M'Lane, I avow it here, that it is necessary to bring the government back to its constitutional limits. He supported the amendment, not because he was opposed to the act of 1824; but because he wished to complete, what was already begun.

Mr. Webster spoke at some length, in reply to the remarks of the senator from Delaware. The argument of the gentleman was, that the appropriations under the act had been applied to local objects; and, therefore, it was necessary to complete these local surveys, before any others were commenced. That reasoning did not carry conviction to his mind. It occurred to him, that this was a singular mode of bringing the government back to the principle of the act of 1824. What, said Mr. W., is an exclusively national or local road or canal? An improvement not a mile long, might be as national as the Cumberland road. What makes the Chesapeake and Delaware canal national? It touches but two states. What gives a national character to the Raritan canal? It is confined to one state. Whether an improvement were local or national, was to be decided by reference to its importance, not to its locality. It was national, if it was for the good of the whole country. Sir, we

granted land to the state of Alabama for improving the navigation of a river. The object was national, or he would not have voted for it. Though the citizens of Alabama derived greater benefit from it, from their locality, than other citizens, yet it was a benefit to the whole country. He recognized no distinction between the appropriation of land, and of money. Both were alike public property.

Mr. M'Lane said, in rejoinder, that the senator from Massachusetts supposed his argument, in reference to the application of money to local objects, was not pertinent. The argument of the senator from Massachusetts was good, but his conclusion was wrong. Congress could not arrest abuses begun, and in progress, but it could prevent their recurrence. The committee would have arrested all the local surveys in progress; but they would not do this, for the reason, that expenses had already been incurred in relation to them, and some of the engineers were actually employed upon them. He considered, therefore, that his reasoning was entirely pertinent. Whether any particular items in the list were local, was a question of some delicacy. It would be thought invidious, to point at any one object as local; and, in doing it, he should encounter the opposition of those gentlemen, who represented

the different states, in which such survey might have been ordered to be made. Mr. M'L. here alluded to some small survey made for a canal in Vermont, as a local object; and to the Delaware break-water, as a national object. If permitted to go into an examination, he should say that the surveys made in Maine and New-Hampshire were wholly local; although he knew that it was very probable that gentlemen better acquainted than himself, with the localities of these surveys, might be of a different opinion.

The debate was continued the next day by Messrs. Johnson, M'Lane and Hayne; and on a division there appeared to be an equal division of the senate—21 in favour, and 21 opposed to the amendment. The Vice President then gave his casting vote, in favour of adopting it.

April 10th.—Mr. Benton moved, to strike out the appropriation for continuing the Cumberland road; negatived—ayes 18, noes 29. After adopting some other unimportant amendments, the question recurred on the passage of the bill; but on motion of Mr. Smith, of South Carolina, the senate adjourned to the next day, when Mr. S. spoke at length against the constitutionality of the power. The vote being at last taken on the bill, it passed—22 ayes, 10 nays; and was sent to the house for its concurrence to the amendments, and

to an alteration in the title of the bill, expressing the particular improvements which were authorized.

The house, however, refused to concur in the amendment, limiting the appropriation for surveys by a vote of 70 ayes, 98 nays; and also, to the alteration in the title of the bill—75 ayes, 78 nays.

The senate insisting on these amendments—yeas 24, nays 23, a conference was asked by the house; and managers being appointed on the part of each branch, they reported in favour of the house receding from its vote on the amendment of the title; and a modification of the section appropriating \$30,000, for surveys, by adding a proviso, that the appropriation shall not be construed into a legislative sanction of any surveys which shall not be deemed of national importance, or within the provisions of the act of 1824.

This report was agreed to, in the senate—yeas 27, nays 12; and the house also agreeing thereto, the bill received the sanction of the president, and became a law.

A bill was also introduced into the senate, which ultimately became a law, appropriating \$250,000 for constructing a breakwater, near the mouth of the Delaware bay.

The construction of a military road, in Maine, from the mouth of the Matanawcook river, to Marshall, was also authorized; and \$15,000 appropriated for that purpose.

A subscription of \$1,000,000 was authorized to the stock of a company, incorporated by the states of Maryland and Virginia, to make a canal from Chesapeake bay, to the Ohio river.

A quantity of the public land was granted, to aid the state of Ohio, in making a canal from Dayton to Lake Erie; and 400,000 acres were granted to the state of Alabama, to be applied to the improvement of the navigation in the Tennessee river.

Various other bills were introduced for the internal improvement of the country, but they did not become laws.

The military appropriation bill for 1828, was first taken up in the house, on the 16th of February.

By this bill, the following appropriations were made, viz.

For pay of the army,	
and subsistence of officers, including the	
military academy,	\$1,056,307
Subsistence and forage,	258,128
Clothing for servants of	
officers, &c.	19,770
Recruiting service,	37,511
Purchasing department,	
and for woollens,	
bought for 1829,	198,377
Medical and hospital department,	25,500
Quarter-master General's department,	387,231
Averages in do.	42,000

Fuel, stationary, &c. for military academy,	32,235
Expenses of board of visitors at military academy,	1,500
National armories,	360,000
Current expenses of ord- nance service,	65,000
Arsenals,	87,300
Contingencies of army,	10,000
Arrearages of 1827,	38,077
Arrearages prior to 1815,	10,000
Claims of militia of Illi- nois and Michigan, on occasion of recent In- dian disturbances,	40,000
Certain sums re-appropri- ated,	80,782

A further appropriation of one hundred thousand dollars was made, by a subsequent bill, for the armament of fortifications. \$50,000 were also appropriated by a subsequent bill, for erecting an arsenal near Mobile.

When the military appropriation bill came up in the house, strenuous opposition was made to the item of \$1500, for the board of visitors at West Point. Mr. Kr  mer said, the board was entirely useless. Its members were generally destitute of all military talent; and all they had to do, was to sign a report, prepared for them.

Mr. M'Duffie stated the practice of the department, which was to pay the expenses of scientific men, who were requested to visit the institution; and he thought such

an annual supervision of the institution useful in its tendency. Much unnecessary debate ensued, rather from a hostility to the institution itself, than from any specific objection to this allowance; but the house finally sanctioned it, without a count. Some discussion also ensued at a subsequent day, February 21st, on an item, authorizing the erection of additional buildings at West Point; but the house sustained it—ayes 102, nays 84. The bill then was passed, and sent to the senate, where it was amended, by some unimportant addition, which was concurred in by the house, and it became a law.

By the bill subsequently introduced, making appropriations for the first quarter of 1829, the following sums were appropriated;

For pay of the army, and subsistence of officers,	\$264,076
For forage of officers,	10,032
For clothing of servants of do.	4,942
For recruiting service,	13,000
For subsistence depart- ment,	54,200
For purchasing do.	44,594
For medical do.	6,000
For Quarter-master Ge- neral do.	85,220
For Military Academy,	3,000
For contingencies of ar- my,	2,500
For national armories,	90,000
For ordnance service,	16,250

For armament of fortifications, 25,000

The appropriations for 1828, for the Indian department, which is a branch of the war department, were,

For superintendent and Indian agents, 46,100

For presents to Indians, 15,000

For contingent expenses, 95,000

For expenses of aiding the emigration of the Creeks, 50,000

For appropriation to extinguish the Indian title within Georgia, 50,000

For refunding to North Carolina moneys paid for do. within that state, 22,000

For additional contingencies, growing out of the removal of Indians, 25,124

To carry into effect subsisting treaties, 233,494

The sum of \$15,000 was also appropriated, to defray the expenses of the delegations of the Choctaw, Creeks, Cherokee, Chickasaw, and other tribes, in exploring the territory beyond the Mississippi, with the view of emigrating. An animated discussion took place, during the consideration of these bills, in relation to the general policy of the government towards the Indians, of which an account has been given in chapter 3.

A dispute also took place between the senate and the house, in relation to the appropriations for

the extinguishment of the Indian title in North Carolina. This, however, was adjusted, by the house's accepting of the amendment of the senate, appropriating \$22,000; and the senate receded from the other. The appropriations for the public buildings were,

For completing the work about the same, \$60,782

For penitentiary and jail, in District of Columbia, 24,087

For fire engine and house, 3,000

For an additional building for post-office, 12,000

For custom-houses and ware-houses, 38,800

The annual report of the Secretary of the Treasury to congress, at the 2d session, on the state of the finances, showed the following results :

The actual receipts from all sources, during the year 1827, amounted to \$22,966,363 96 cents; which, with the balance in the treasury on the 1st of January of that year, of \$6,358,686 18 cents, gave an aggregate of \$29,325,050 14 cents. Of the sum received as above, during 1827, the customs yielded upwards of \$19,500,000, and the sales of the public lands nearly \$1,500,000. The expenditures of the United States, for the same year, amounted to \$22,656,764 04 cents; leaving a balance in the treasury, on the 1st of January, 1828, of \$6,668,286 10 cents.

The actual receipts, during the three first quarters of 1828, amounted to \$18,633,580 27 cents; and those of the fourth quarter, \$5,461,283 40 cents; making the total receipts, for 1828, \$24,094,863 67 cents; which, added to the balance in the treasury, on the 1st of January, as above stated, gave an aggregate of \$30,763,149 77 cents. The expenditures of the three first quarters of the year, were estimated at \$18,244,907 91 cents; and those for the fourth quarter, at \$7,392,603 72 cents; making for the whole year, \$25,637,511 63 cents. This expenditure included upwards of \$12,000,000 on account of the debt, and left in the treasury, on the 1st of January, 1829, an estimated balance of \$5,125,638 14 cents. This balance was subject to the appropriations of moneys for the service of 1828, not yet called for, a sum estimated at \$3,500,000; and included the \$1,000,000 in funds, not effective.

The receipts into the treasury, during the last four years, amounted to \$97,957,559 86 cents. The expenditures, during same period, \$95,585,518 85 cts. Importations during same period, \$350,202,569. Exportations, \$337,202,426.

There was paid, in 1825, on account of the debt, the sum of \$12,099,044 78 cents. In 1826, there were paid \$11,039,444 60

cents, all from surplus revenue; in 1827, \$10,001,585 98 cents; and in 1828, \$12,163,566 90 cents, making for the four years, \$45,303,642 26 cents. Of this sum, \$30,373,188 01 cent, was applied to the principal; and \$14,930,454 25 cents to the interest of the debt; the whole of the former having gone towards the reduction of that part of it, which bore an interest of six per cent.

The total sum paid on account of the debt from the first of January, 1817, the year in which the sinking fund act passed, to the first of January, 1829, amounted to \$146,669,773 48 cents. Of this sum, \$88,834,108 66 cents, were paid on account of principal, and \$57,835,664 82 cents on account of interest. The extra payments on account of the principal, comprehended sums obtained on loan at a lower interest than six per cent. to replace stock paid off at that interest, and sums that had accumulated in the treasury in 1817, partly under the effect of the double duty system, before the prospective operation of the act began. The national debt was positively lessened in amount by the sum of \$65,129,829 38 cents, since the 1st of January, 1817, by surplus funds. The whole of this last mentioned sum, so paid off, was borrowed at six per cent. or more than six, with the exception of a small amount

of treasury notes, and some Mississippi stock. The whole remaining debt of the United States, on the first of January 1829, will be, in its nominal amount, \$58,362,135 78 cents. But from this amount should be taken \$7,000,000, being so much of apparent debt only, in the shape of subscription to the stock of the bank of the United States; the government owning a like sum in the stock of the bank, upon which dividends are punctually paid. Of the sum that remains, viz. \$51,362,135 78 cents, the old revolutionary three per cents. constitute more than \$13,000,000. Assuming its stated appropriation of \$10,000,000 to be forerun in the same proportion in future years as it has been in 1828, the debt will, in effect, be totally paid off, in little more than four years.

At the second session of the twentieth congress, the appropriations for the public service did not occasion much discussion. The excitement of the presidential election was followed by a reaction in the public mind; and the interest felt by the members in the arrangements for organizing a new administration, left but little inclination, for a critical examination of the estimates for the ensuing year.

The following appropriations were made by a separate act, for
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the support of the government for the first quarter of 1829 :

For the expenses of congress, library, and Vice-President's salary,	467,735
For salary of President,	6,250
For expenses of executive department, including expenses of territorial governments,	149,028
For expenses of judicial department,	60,250
For expenses of diplomatic intercourse,	32,625
For expenses of pensions,	512
For expenses in support of light-houses, &c.	42,000
For expenses in relief of American seamen in foreign countries,	6,250

By a subsequent bill, the following appropriations were made, for the residue of the year 1829 :

For the expenses of the legislative department, including salary of Vice-President, and expenses of congressional library,	61,012
For expenses of the executive department, including the expenses of territorial governments,	664,387
For expenses of the judicial department,	184,950
For expenses of diplomatic intercourse,	118,875
For pensions,	1,235

For support of light-houses, &c.	139,468	For sums unexpended, re-appropriated from the surplus fund,	205,664
For relief of American seamen,	13,750	To the naval hospital fund,	125,000
For expenses of public lands,	94,000		
For miscellaneous claims,	12,000		
For expenses of taking fifth census,	350,000	The appropriations for fortifying the coast were, for the residue of 1829, as follows :	
For claims of late inhabitants of Florida,	3,116	For fort Adams,	\$85,000
For purchase of Digest of U. S. Laws,	3,000	For fort Hamilton,	80,000
		For fort Monroe,	85,000
		For fort Calhoun,	90,000
		For fort Macon,	50,000
		For fort at Oak island,	47,834
		For fort at Mobile point,	80,000
		For completing the battery at Bayou Bienvenue,	6,448
		For fortifications at Charleston,	60,000
		For fortifications at Savannah,	60,000
		For fortifications at Pensacola,	55,000
		For sea wall in Boston harbour,	7,310
		For repairs and contingencies,	59,637
		The appropriations for 1829, for light-houses, beacons, and improving harbours, &c. were :	
		For building light-houses,	\$94,000
		For beacons, buoys, &c.	19,577
		For surveying harbours,	2,900
		For improving do. and rivers,	176,097
		Additional appropriations were	

The appropriations for the revolutionary, and other pensioners, for the residue of the year 1829, amounted to \$531,497.

The appropriations for the naval service, for the residue of 1829, were :

For pay, subsistence, and provisions,	\$1,405,747
For pay of superintendents, naval constructions, &c. at navy yards,	44,777
For repairs and improvements at navy yards,	178,750
For repairs of vessels,	356,250
For medicines and hospital stores,	20,250
For ordnance and ordnance stores,	37,500
For enumerated contingencies,	195,000
For non-enumerated do.	3,750
For expenses of transporting shipwrecked Africans to Africa,	16,000

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made for the improvement of other harbours and rivers by a subsequent act, amounting to \$105,003, for inland rivers, and lake harbours; and \$24,490, for Savannah river.

The sums appropriated for internal improvements were :

For three roads from Detroit, \$33,000

For a military road in Florida, 3,000

For surveys under the act of 1824, 30,000

For continuation of Cumberland road, 150,000

For repairing do. 100,000

Subscriptions were authorized to the stock of the following canal companies, viz.

Chesapeake and Delaware,

Dismal Swamp, 50,000

Louisville and Portland, 135,000

The appropriations for the military service, for the three quarters of 1829, were,

For pay of army, and subsistence of officers, \$793,980

For subsistence, and forage, 312,548

For unexpended balance for subsistence and forage, 25,000

For clothing of servants, and military academy, 14,828

For recruiting service, 29,309

For unexpended balance of recruiting service, 14,832

For purchasing depart-

ment, and woollens, for 1830, 82,569

For materials on hand, 80,000

For medical and hospital department, 11,000

For materials on hand, 8,000

For Quarter-master's department, 258,780

For military roads, 48,932

For military academy, 22,257

For expenses of board of visitors, 1,500

For expenses for board of visitors in 1827, 1,168

For contingencies of army, 7,500

For armories, 270,000

For armament of fortifications, 75,000

For current expenses of ordnance service, 50,950

For arsenals, 98,000

For arrearages, between 1815 and 1818, 1,500

For Illinois militia, 1827, 857

For sums re-appropriated, 98,561

For printing 60,000 infantry tactics, 14,790

An appropriation was also made for the erection of barracks, of \$41,000

For a tower at Bayou Du-pre, 16,677

For new wharves at forts, 4,100

The appropriations for the Indian department, for 1829, were,

For Indian superintendent, and agents, \$46,100

For presents to Indians,	15,000
For expenses of interpreters at agencies,	18,550
For blacksmiths, &c., at agencies,	24,400
For expenses of distributing annuities,	9,500
For expenses of Indian deputations and visits,	22,168
For contingencies,	24,350
For purchasing Indian reservations in North Carolina,	20,000
For purchasing Indian reservations in Ohio,	6,000
For compensation to Indians in Ohio, for depredations upon their property, by whites,	1,539
To carry into effect, subsisting treaties, and for annuities,	232,895

The appropriations for the public buildings, for 1829, were,

For completing the work about the capitol,	\$27,128
For completing the work about President's house,	31,131
For furnishing President's house,	14,000
For purchase, and enclosing of a new square,	8,000
For fire engine,	640
For completing penitentiary in District of Columbia,	27,000

A resolution was introduced into the house of representatives, during the first session of the twentieth congress, requesting the executive,

to send one of the public vessels on a voyage of discovery, and exploring, into the South Sea, and Pacific Ocean.

The reasons for the passage of this resolution, were briefly stated by Mr. Reed, as follows :

Some time ago, petitions were presented to congress, from the inhabitants of Nantucket, and also from New-Bedford, in Massachusetts, praying that the Pacific Ocean, and South Sea, might be explored ; and that the islands, shores, reefs, and shoals, might be surveyed, in an accurate and authentic manner. They further stated, that their voyages had been extended, within a few years, from Peru and Chili, to New-Zealand, and the Isles of Japan. The risk and losses, have thereby been greatly increased. A number of ships have been lost, with their crews ; no doubt, upon the rocks and shoals, without one person's escaping to tell the news. The insurance in those seas, is nearly twice as much as in the Atlantic. The amount and value of the whale fishery, is not inconsiderable. There are now engaged in that fishery, in the Pacific Ocean, one hundred and fifty ships, amounting to more than forty thousand tons, requiring a capital of more than three millions of dollars, and employing more than three thousand seamen. Those engaged in the fur trade, and all other commerce in the Pacific, which is now very considerable, and is rapidly increas-

ing, are deeply interested in the resolution now under consideration. Commerce, the farming interest, and manufacturing interest, are all deeply interested in the safe navigation of those vast seas ; in fact, our whole country is directly or indirectly interested. The proposed measure, therefore, is one well calculated to save lives and property, and to further extend our prosperity. I hold in my hand, (continued Mr. Reed,) a chart, on which is traced the routes of the whaling ships. They extend from Cape Horn, in the Pacific, six thousand miles north, and westerly, ten thousand miles, to the Japan Isles, Asia, and New-Holland. I also hold in my hand, a newspaper, printed some time since, at Nantucket, giving an account of two hundred islands, reefs, and shoals, never surveyed, or laid down on any chart. These islands, shoals, &c. have been discovered, from time to time, by the whale ships ; but they did not possess either the means, or time, to survey them with accuracy. The resolve now under consideration, is the mere expression of an opinion, that it is expedient to make the proposed survey and examination, provided it can be done without prejudice to the naval service ; and provided it can be done without additional appropriation for that service, during the present year.

Some opposition was made to this resolution, by Mr. Hoffman, but it was agreed to, by the house.

A bill was also introduced, providing for the extra expenses of the expedition, which were estimated at \$50,000. This bill was not acted upon, for want of time ; but the secretary of the navy, in conformity with the resolution, directed a vessel to be fitted out for the expedition ; and at the commencement of the second session of congress, the expedition was prepared, and ready to proceed to sea, as soon as the appropriation for the extraordinary expenses should be made.

The bill, for that purpose, received the sanction of the house of representatives, at the present session—97 ayes, 59 nays.

In the senate, the bill met with an unexpected opposition, which caused its defeat.

On the 7th of February, Mr. Hayne, from the committee on naval affairs, to whom it was referred, submitted the following resolution.

Resolved, That the president of the United States be requested to cause to be laid before the senate, a detailed statement of the expenses incurred in fitting out, and preparing an expedition for exploring the Pacific ocean, and South seas, together with the additional amount which will be necessary to cover all the expenses of such an expedition ; and that he be also requested to cause to be submitted, a detailed statement, showing the several amounts transferred from the different heads of appropriation for

the support of the navy, to this object, and the authority by which such transfers have been made.

In submitting this resolution, Mr. Hayne took occasion to object to the course taken, by the secretary of the navy, respecting this expedition. The secretary had acted under the resolution of the house only. The expedition had never been sanctioned by law. He also thought that the expedition was on too magnificent a scale; and that instead of \$50,000, it would cost at least \$300,000, besides the wear and tear of the vessel.

The resolution was agreed to, and a report was made by the secretary of the navy, in answer to the call, showing that no such transfer had been made, as was suggested in the resolution; and that the expenses of the expedition would not, probably, exceed the amount in the bill before the senate.

The expenses incurred, besides the repairs of the Peacock, which would have been made at all events, amounted to about \$2,500.

A majority, however, of the naval committee, reported against the bill, and proposed an amendment, by which the President was authorized to cause one of the public vessels of the squadron in the Pacific, to be detached for the purpose of exploring the islands, &c. in the Pacific.

The bill was consequently lost, and the expedition defeated.

The main business of the session, was, the legislation on the subject of the Cumberland road. The discussion of Mr. Buchanan's amendment, providing for the conditional cession of the road to the different states within whose boundaries it passes, occupied about one half of the session, and drew into it, the question of the constitutional power of Congress to erect toll gates, &c. The house decided, by a considerable majority, in favour both of the constitutionality and expediency of erecting gates, and imposing a system of tolls, in order to keep the road in repair. The senate, without discussing the constitutional power, struck out the sections relating to toll gates and tolls, and simply appropriated the 100,000 dollars required to put the road in repair. Another bill passed both houses, appropriating money for the construction of the road westwardly from Zanesville.

Bills of considerable importance to the citizens of that section of the country, authorizing the President to expose to public sale the reserved lead mines and salt springs, in the state of Missouri, passed both houses. Thus were new sources of wealth opened to individual enterprise; although there is too much reason to fear that they may be grasped and monopolized for the exclusive advantage of sordid speculators.

The census bill, the passage of

which was necessary, to the taking the census according to the provisions of the constitution, was overlooked by the leading members of congress, whose attention was engrossed by the arrangements consequent upon the organization of the new administration.

It consequently did not become a law, and its consideration was postponed, together with several other important bills, to the next congress.

Among those bills which were either left unacted on, or defeated, were the bill for graduating the price of public lands, &c.; the bill to provide for the militia, volunteers, engaged in the land and naval service of the United States, during the revolutionary war; the bill to amend the act to reduce and fix the military peace establishment, having reference to the case of Colonel Bissell; the bill to abolish the rank of major general; the bill to continue the act for the relief of the purchasers of public lands, &c.; the bill repealing the tonnage duty on Ame-

can vessels, together with a large number of acts providing for the payment of claims on the treasury.

A treaty concluded with Brazil, recognising the liberal commercial principles of the United States, was not ratified, until after the accession of General Jackson to the presidency, although it was completed under the administration of Mr. Adams.

Some bills were also reported from the committee of retrenchment, appointed to inquire into the abuses of the government, at too late a period of the session, to be acted on. These bills proposed various retrenchments in conformity with the suggestions contained in the report, an abstract of which, is contained in Chapter 1; but the ends of the inquiry having been answered, by the result of the presidential election, no steps were taken by the party, to carry into effect the proposed reform, and the bills remained on the table, and shared the fate of the other unfinished business.



CHAPTER VII.

Great Britain.—Lord Goderich resigns—New cabinet—Lord Wellington Premier—Finances—Mr. Huskisson resigns—Causes of resignation—New corn bill—Law for relief of Catholics—Sir F. Burdett's motion on Catholic question—Mr. O'Connell elected—Catholic association—Opening of Parliament in 1829—Catholic question settled—Duel between Premier and Lord Winchelsea—Silk trade—Discussion relative to American tariff—Correspondence between American and British governments—Commercial policy of Great Britain—Order in council relative to colonial trade—British navigation—treaty with Brazil—Boundary between United States and Canada—Affairs of Portugal—War between Russia and Turkey—Canadian affairs—Debate on fortifications in Canada—British West Indies—East India Company.

IN our chapter on Great Britain, in the last volume of the Register, we traced the course of events, to the death of Mr. Canning, and to the new organization of the ministry, to which his loss gave rise.

The violence of the opposition, sustained as it was by the Duke of Wellington, and a large portion of the high church and tory party, while Earl Grey, and other whigs of the first influence, kept aloof from Mr. Canning, had rendered it a difficult task, even for the gigantic mind of the late premier, to maintain that ascendancy in the two houses, which, according to the principles of the British constitution, is essential to the existence of an administration. We have seen,

that a law, having for its object the admission of foreign corn, at all times, on the payment of a duty, which was to vary with the prices of the commodity in the home market, received its death blow in the house of lords. Though this measure was sanctioned by the revered name of Lord Liverpool, its virtual rejection was to be ascribed to the former colleagues of Mr. Canning, who had willingly availed themselves of the aid of his talents and character, so long as he was content with a subordinate station, but who could not brook his official superiority. To avoid similar defeats, and to give the administration an opportunity to strengthen itself, the discussion of the Catho-

lic question ; of the bill to repeal the test and corporation acts ; and of other measures, on which the cabinet was supposed to be divided, was postponed to a subsequent session. A scrutiny into the budget was avoided, by the government's giving a pledge, to propose the appointment of a finance committee at an early period, after the two houses should again meet.

Parliament was prorogued on the second of July ; and on the eighth of the ensuing month Mr. Canning died.

Mr. Huskisson, who, when this melancholy event occurred, was absent on a continental tour, for the benefit of his health, immediately returned to London. This minister, from the share which he had had in the leading measures of the two last administrations, and the confidence reposed in him by Mr. Canning, as well as from his experience and talents, seemed to possess the best claim to succeed his friend. The consequences, however, which had resulted to the last ministry, from placing at the head a person not of high birth, indicated, but too clearly the risk of making a second experiment of a similar nature. Viscount Goderich, who, as Mr. Robinson, had previously been chancellor of the exchequer, and had filled other public offices, had been made by Mr. Canning secretary of state for the colonies, and raised to the

peerage. To this nobleman, recommended by his connexions with the aristocracy of the country, was accorded, with the approbation of his colleagues, the vacant post of premier.

Mr. Canning, being a commoner, had united the office of chancellor of the exchequer, with that of first lord of the treasury. Under the new arrangements, it became necessary to select a finance minister for the lower house ; and, unfortunately for the stability of the administration, Mr. Herries, who had occupied an inferior place under Lord Liverpool, was chosen, in order to gratify, as was alleged at the time, the personal wishes of the king. Mr. Huskisson became colonial secretary ; and other minor alterations were made, without, however, changing the character of the cabinet, which, with the exception of Mr. Herries, remained politically the same as under Mr. Canning, the Catholic claims still continuing an open question. To Mr. Huskisson were assigned the duties of leader of the house of commons, a situation which not only carries with it great consideration, but implies, that all important measures are to be introduced by the minister thus denominated.

Lord Goderich was a remarkable instance of a person who had been highly respectable in a subordinate place, failing completely when called to the highest post.

It was soon found, that the new premier was neither capable of presiding over the destinies of a great empire ; nor of exercising that influence with his associates, which was required, to make them co-operate in public measures.

At the time of Mr. Canning's death, not only were the foreign relations of the country extremely delicate ; but the opposition at home rendered it necessary, that every nerve should be exerted by the ministry, to prepare for the approaching parliamentary campaign.

After the accession of Lord Goderich to the treasury, the difficulties abroad were increased by the "untoward event" at Navarino, and the appointment of Don Miguel, by his brother, the Emperor of Brazil, as Regent of Portugal ; while the dissensions in the cabinet occasioned still greater embarrassments, in the conducting of the public business.

When parliament adjourned, it was supposed that it would reassemble in November ; so that the finance committee, promised by Mr. Canning, might be appointed, and sit during the Christmas holidays. The session was, however, put off, by repeated prorogations, till 29th January, 1828. A consciousness that he was not adequate to guide the helm of state, in the then difficult posture of affairs, with a divided cabinet, had induced Lord Goderich, early in Decem-

ber, to ask his majesty's permission to retire from office ; and from the 2d to 19th of that month there was a virtual abdication of the head of the government. He was afterwards reluctantly induced to agree to continue in power, sufficiently long to allow new arrangements to be entered into. But all hopes of settling matters in such a manner as to enable ministers to meet Parliament, were defeated, by the irreconcilable difference between Mr. Huskisson and Mr. Herries, which led to a tender of both their resignations.

The circumstances connected with these proceedings, according to the parliamentary explanations, were briefly these : Mr. Tierney, the master of the mint, and Mr. Huskisson, had obtained from Lord Goderich his consent, that Lord Althorpe, a leading whig, should be placed at the head of the finance committee. This selection was made without any consultation with Mr. Herries, to whose department the subject particularly belonged ; and when this minister was made acquainted with what had been done, he deemed it incumbent on him to resign, if the contemplated measure was carried into effect.— Mr. Huskisson, on his part, was equally determined to persevere with the nomination ; and the premier found himself threatened with the loss of the services of one or other of these colleagues. In-

stead of pursuing a decided and vigorous course, and accepting the resignation of the chancellor of the exchequer, who was viewed with jealousy by all the other members of the cabinet; Lord Goderich went to Windsor, and again requested his majesty to release him from the cares of government, and on the 8th of January the cabinet was declared to be dissolved.

In the period between the two resignations of Lord Goderich, there were several attempts to reorganize the cabinet. Lord Holland, notwithstanding the strong personal objections of the king, was fixed on for foreign secretary, in the room of Lord Dudley, who had only accepted the office provisionally under Mr. Canning; and Lord Goderich was to have been replaced by the Duke of Portland, or by the Marquis Wellesley, who agreed with the majority on the Catholic question, and who was, in consequence of his absence in Ireland, uncommitted to any of the recent factions.

That there were other causes for the dissolution of the cabinet, growing out of the dispute respecting the finance committee, appears from the declaration of the ministers themselves, who, with the exception of Lord Goderich, generally alluded to matters, which they seemed unwilling openly to explain. But besides these secret difficulties, there were, at least,

two circumstances, coeval with the origin of the administration, that seemed to carry with them the seeds of its destruction. The Duke of Wellington, the decided opponent of the ministry, discontented with the loss of his own political influence, and that of his friends, was restored to the distinguished station of commander-in-chief of the army, a post affording the greatest extent of patronage. The other event to which we refer, was the selection for chancellor of the exchequer of Mr. Herries, a decided tory, placed in office contrary to the declared wishes of his colleagues; who, as he was sensible, would avail themselves of the first opportunity to remove him from their councils, and whose measures he was consequently induced, even in self-defence, to counteract. The reappointment of the Duke of Wellington, was, perhaps, unavoidable, not only on account of the personal feelings of the king, but to satisfy public opinion, which justly assigned to this distinguished chieftain the first military place in the state. The course pursued by Lord Goderich, in relation to Mr. Herries' admission to the cabinet, however, gave a full indication of that want of energy of character, which was afterwards so conspicuously manifested.

Besides the loss of the army patronage, the late administration

was deprived of other influence, which has been usually placed in the hands of ministers. The navy had been given by Mr. Canning to the Duke of Clarence, a prince who was rendered, by his proximity to the throne, in a great measure independent of the cabinet, of which he was not a member. Ecclesiastical appointments were made by his majesty himself, or, as was alleged, by the influence of the individuals composing the king's domestic circle, whose power was felt in all the public arrangements during this period.

To this secret influence, allusion was distinctly made in the house of commons, and questions were asked of the minister, who had proffered explanations, which it was not deemed advisable to press on their consideration. It may be sufficient to remark here, that strong suspicions existed of the king's wish to avoid, by the retention of Mr. Herries in power, and the selection of a subservient person for the chair of the finance committee, exposures that would have implicated, not only the con-

fidential officers of the crown, but royalty itself, in the application of certain funds, to the supply of those expenses of his majesty, for which the civil list had not sufficed. This conversion had been effected, in consequence of the mode in which the hereditary revenues, (all of which had been ceded to the state for an annual sum, in the reign of George III.) were managed. There were also used, for the same purposes, by virtue of the authority of treasury minutes, unappropriated funds resulting from a convention with France, for the payment of certain claims of British subjects.

On accepting the resignation of Lord Goderich, his majesty sent for the Duke of Wellington, to whom he confided the formation of a new cabinet. After considerable negotiation, the necessary arrangements were concluded, several of the old ministers being retained; as will appear from the following list, in which we have placed the names of the two cabinets in parallel lines.

	<i>Wellington Ministry.</i>	<i>Goderich Ministry.</i>
First Lord of the Treasury,	Duke of Wellington,	Viscount Goderich.
Lord Chancellor,	Lord Lyndhurst,	Lord Lyndhurst.
Secretary of State for Foreign affairs,	Earl of Dudley,	Earl of Dudley.
Do. for Home Department,	Mr. Peel,	Marquis of Lansdowne.
Do. for Colonies,	Mr. Huskisson,	Mr. Huskisson.
President of the Board of Control	Viscount Melville,	Mr. Wynn.
Chancellor of the exchequer	Mr. Goulbourn,	Mr. Herries.
President of the Board of Trade	Mr. Grant,	Mr. Grant.
Master of the Mint	Mr. Herries,	Mr. Tierney.
President of the Council,	Earl Bathurst,	Duke of Portland.

Privy Seal, Secretary at War, Chancellor of the Duchy of Lancaster, First Commissioner of land revenue,	Lord Ellenborough, Lord Palmerston, Earl of Aberdeen, New minister, not in the Cabinet,	Earl of Carlisle. Lord Palmenton. Lord Bexly. Mr. S. Bourne.
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Of the members of the cabinet of the Duke of Wellington, who had served within a year in former administrations, a particular notice is unnecessary.

Mr. Goulbourn, though not in the ministry, was for a long time previous to Mr. Canning's becoming premier, connected with the government, either as under secretary of state, or as chief secretary for Ireland, and was always an anti-catholic. He is particularly known in the United States, as one of the plenipotentiaries at Ghent and London, in 1814 and 1815.

Lord Ellenborough, son of the late chief justice, through an advocate of the Catholic claims, was violently hostile to Mr. Canning, and his government, and might, on most subjects, be considered an opponent of the liberal party.

Lord Aberdeen's opinions respecting the catholics, were the same as those of Lord Ellenborough. He often took part in the debates in support of the agriculturists, and in Lord Castlereagh's time, advocated the foreign policy of that minister. He was ambassador at the court of Vienna, and was employed in several diplomatic negotiations, in 1813 and 1814. While thus engaged, he

signed the treaty of Toplitz, between England and Austria, and the treaty of Paris, of 1814. He also assisted at the conferences of Frankfort, and at the congress of Chatillon.

The only avowed whigs in the old administration, the Marquis of Lansdowne, the Earl of Carlisle, and Mr. Tierney, were omitted in the Duke of Wellington's arrangements; but irreconcilable as the differences between Mr. Huskisson and Mr. Herries, were declared to be, both their names were found in the new list. To the late chancellor of the exchequer, however, was allotted the comparatively unimportant post of master of the mint; and Mr. Huskisson, by continuing in office, after he was compelled to yield to Mr. Peel the place of parliamentary leader, in the commons, and to coalesce with the deadly foes of Mr. Canning, lost much of his influence. In giving his adhesion to the Duke of Wellington, he was, however, supported by Mr. Grant, and Lord Palmerston, and even by Lord Dudley. That the secretary for foreign affairs, after having agreed to retire in favour of Lord Holland, while his friends were still in power, should consent to act with

colleagues, to whom he was opposed on several important questions, seemed most extraordinary, and could only be explained by ascribing his decision to the influence exercised over him, by Mr. Huskisson.

Much surprise was excited by the acceptance of the premiership by the Duke of Wellington, who had, in very emphatic language, at the previous session of parliament, declared his entire unfitness for high civil office. But, although this celebrated warrior is not distinguished for his abilities as a speaker, and therefore, may yield to most of his predecessors, in the peculiar qualifications required for leader of the house of lords; few men in England possessed more experience in the public affairs of the country. Even before the commencement of his great services in the Peninsula, he had been connected with the government of Ireland, as chief secretary; and while commanding in Spain and Portugal, his functions were hardly more military, than civil and diplomatic.

At the congress of Vienna, he appeared as a negotiator, to secure for his country, by argument, what he had previously acquired for her by the sword. On his return from France, where he had been the diplomatic, as well as military representative of his sovereign, he was

placed in the cabinet, in which he continued till Lord Liverpool ceased to preside there; and even while Mr. Canning was at the head of the department of foreign affairs, the Duke of Wellington was selected to support the interests of England, at the delicate negotiations at Verona.

On the whole, therefore, the administration, although it had lost strength with the more liberal part of the nation, possessed, in a much greater degree than the last cabinet, the confidence of the aristocracy, and consequently, of parliament.

The king opened parliament, by commission, on the 29th January, 1828, when the royal speech was read by the Lord Chancellor.* It proposed the appointment of a finance committee, and stated, that an increase had taken place in the export of British manufactures.

The largest portion of the king's address, related to the foreign affairs of the country. The intention to withdraw the British troops from Portugal, was formally stated, and the treaties concluded with Brazil, and Mexico, were officially announced. But the most important part of this state paper, was that which alluded to the east of Europe; and on the occurrences there, the debates which it elicited, principally turned.

The parties in the two houses,

* See Public Documents.

arrayed themselves, very much as they had done before the formation of Mr. Canning's ministry—Mr. Brougham, and his associates, placing themselves with the opposition.

In conformity with the recommendation from the crown, Mr. Peel, as ministerial leader in the house of commons, submitted, on the 15th February, a motion for the appointment of a committee to inquire into the revenue and expenditure of the United Kingdom.—The proposition was prefaced by a statement, from whence the following view of the finances, may be drawn. The funded debt, in January 1828, was £777,476,000, and the unfunded £34,770,000, making together, £812,246,000. The total annual charge for the funded, and unfunded debt, including annuities, was in 1827, £29,254,000; to which it had been reduced from £30,270,000, since 1822; and from £33,679,000, since 1815. Even the small decrease of interest, payable on the public securities, which had been effected during twelve years of profound peace, is to be partly attributed, not to a redemption of the capital; but to a conversion of five per cents., and four per cents., into stocks bearing a lower rate of interest.

The entire surplus of income, over expenditure, excluding "the naval and military pensions," (dead weight,) for the five years, ending in January, 1828, was £12,000,000.

The whole sum appropriated to the sinking fund, during that period, was £29,454,000; being £17,454,000 more than was applicable to the redemption of the debt, without having recourse to additional loans.—£9,144,000 of this deficiency, was obtained by the operation of the act of 1822; the object of which, was to distribute through a great number of years, the burthen commonly called *dead weight*, which was then unusually large, of the naval and military pensions. Of the remainder, £4,617,000 had been furnished from money borrowed in various ways; and £3,693,000, by a reduction of the balance in the exchequer in January, 1823, as compared with the corresponding period of 1828. The ordinary expenses, including dividends on stock, had increased more than two millions, since 1823; having been, in that year, £47,692,000; and in 1827, £49,719,000. The *real surplus* of the revenue of 1827, compared with the expenditure, was stated to be £94,000.

The finance committee, named by Mr. Peel, was fairly selected from persons of all parties; and among them, was even Mr. Hume, distinguished as he had been, for invariable opposition to the measures of the government. The chairman, who was substituted to Lord Althorpe, was Sir Henry Parvele, a gentleman of the highest character, and one who had acqui-

red considerable reputation as a political economist.

The objects proposed by the appointment of this committee, were the reduction of the public expenditure; and the simplification of the public accounts. In alluding to this last branch of their duties, reference was made by Mr. Peel, to the comparatively clear and simple manner in which the accounts are kept in France, and the United States.

It may be here proper to remark, that the appointment of a finance committee in the British house of commons, is not a measure of annual recurrence. This was the fifth one that had set, the last preceding committee having been named in 1817. Its duties may be rather assimilated to those of a committee of retrenchment; than of a committee of ways and means. In England, the estimates for the different departments of the service are laid on the table by a minister, who belongs to the house of commons, and whose business it is to defend them in their passage through their various stages. There are none of the same standing committees there as in congress.

On the 10th of March, the finance committee reported, that they had ascertained that the principles on which annuities were granted were decidedly disadvantageous to the country, and, therefore, proposed the repeal of the law on that subject. In this suggestion they ob-

tained the assent of the house; but though many specific retrenchments were submitted to the consideration of parliament, it is believed that none of any importance were carried into effect. The committee was not renewed at the subsequent session.

While we are on the subject of finances, it may be observed, that the chancellor of the exchequer, upon bringing forward the budget on the 11th of July, 1828, stated, that besides discontinuing the principle of the *dead weight*, it had been determined to reduce the sinking fund, to the real excess of income over expenditure. Its amount was not made to depend on the varying balances in the treasury; but was settled at the fixed sum of £3,000,000 per annum, with the understanding, that those to whom the financial administration of the country might be confided, should have constantly in view the necessity of keeping up such a surplus revenue. In the session, however, of 1829, the chancellor of the exchequer proposed the more simple plan of merely applying, in each year, to the reduction of the national debt, such sum as should be the real excess of income over expenditure. The sinking fund was not, indeed, retained with the expectation, that it would be possible to make any sensible reduction in the amount of the debt; but, in order to have at command a sur-

plus of income over expenditure; to meet any sudden or unexpected demand. From the budget, as explained by the chancellor of the exchequer on the 9th of May, 1829, it appeared, that the revenue of 1828 was £55,187,000, and the expenditure £49,336,000, leaving a surplus of £5,851,000, which had accrued in that year.

The army for 1828 was fixed at 116,334 men, of whom 25,559 were in India, and 556 employed in recruiting for that service; of the remaining 90,519, the distribution was as follows:

In Great Britain,	26,838
At stations abroad, other	
than India,	40,569
In Ireland,	23,112
	<hr/>
	90,519

These numbers rather exceeded, but did not materially differ from, those fixed for 1827. The army was, also, continued on this footing, without any important variation, in 1829.

For the navy, in 1828, and 1829, as in 1827, 30,000 men were voted, being an increase of 11,000 since 1807, in which year only 19,000 were employed.

Mr. Huskisson soon had reason to repent having sacrificed consistency to the love of place. In consequence of his transfer, during the recess, from the presidency of the board of trade to the office of colonial secretary, it was necessary, on the opening of parliament,

that he should pass through the ordeal of a new election to the house of commons. In making the explanations, which custom required, to his constituents at Liverpool, Mr. Huskisson was reported to have said, that he had insisted on receiving, and had obtained from the Duke of Wellington, positive and special *pledges* and *guaranties*, that a particular line of policy should be followed, and that his Grace would tread, in all respects, in the footsteps of Mr. Canning. The Duke of Wellington immediately noticed these remarks, and indignantly repelled the idea, that any *pledges* or *guaranties* had been given by him to any gentleman, who had taken office under him. Mr. Huskisson, compelled to qualify his declarations, allowed that he had used the word *guaranty*, but declared that he had meant to employ it only in the sense, that the presence of his friends in the offices, which they had held under Mr. Canning, was a sufficient understanding as to the views, on which the new government was to be conducted.

Constant indignities were heaped on Mr. Huskisson by the tory journals, and it was soon very apparent that, though the Duke of Wellington had deemed it prudent to retain him in the first organization of his cabinet, and thus destroy his character with the opposition; no cordial co-operation could be anticipated between men, whose de-

clared views of public policy were of the most opposite character.

That which was anticipated, when the duke's administration was formed, took place the latter part of May, when Mr. Huskisson and his friends were obliged to withdraw from the government.

The ostensible ground of Mr. Huskisson's retiring was, a vote which he found himself compelled, on account of previous declarations, to give, to transfer to Birmingham the right of choosing members of parliament from the borough of East Retford, instead of merely extending the franchise to the adjoining hundred. There were, at an early period of the session, two bills before parliament, by which Penryn and East Retford were both to be disfranchised; and the friends of gradual reform were desirous to avail themselves of the opportunity, to give a representation to the two populous towns of Manchester and Birmingham. This was resisted by the landed interest; but a compromise was proposed, by which the representation of Penryn was to go to Manchester, and that of East Retford to be extended to the hundred, or, in other words, placed under the control of the Duke of Newcastle. The bill in favour of Manchester was passed, and sent to the lords; but, before the second case was disposed of in the commons, it was found that the house of peers would not

consent to disfranchise Penryn; and Mr. Huskisson, who had said, that if there had been only one corrupt borough to deal with, he would have been in favour of transferring its representation to a manufacturing town, was called on to redeem his pledge. Finding himself bound by his promise, to act in opposition to the determination of the cabinet, and to vote against Mr. Peel, his parliamentary leader, he, as a necessary consequence, placed his office at the disposition of the head of the government. In the course of the proceedings to which this gave rise, the friends of the colonial secretary had to regret several humiliating acts, having for their object the preservation of his public station, by explaining away the proffer of his resignation. In fact, Mr. Huskisson did not intend, by making a tender of his office, that the resignation should be accepted; but he had flattered himself with the expectation, that the apprehension of losing his services would increase his future consideration with the cabinet.

The proffered resignation was, however, seized on with an avidity which proved that the Duke of Wellington was anxious for an apology to rid himself of an associate, who could no longer make a dangerous enemy, and for whom he had never felt any cordial attachment. This feeling also prevailed, in a greater or less degree,

towards the other members of the cabinet, who had served under Mr. Canning and Lord Goderich.

Mr. Grant, in introducing the new corn bill, in which the duties were higher than in the corresponding clauses of the proposed act of the last year, caused it to be distinctly understood, that it was not the law that he would have desired; while the Duke of Wellington intimated that, for very opposite reasons to those, which had influenced the remark of his colleague in the lower house, it had not his unqualified approbation.—The irreconcilable difference between Mr. Huskisson's speech to his constituents, and the declaration of the prime minister, in the house of Lords, could not well be forgotten; and though the administration, from time to time, professed its determination to abide by its engagements with foreign powers, there is a vast difference between the negative character of the measures which it adopted, and the carrying into effect of Mr. Canning's plans, in the bold and lofty spirit in which they were conceived.

The resignations of Mr. Grant, the president of the board of trade; of the Earl of Dudley, secretary for foreign affairs; and of Lord Palmerston, secretary of war, followed that of Mr. Huskisson.—Mr. Fitzgerald, then pay-master general of the forces, and an old diplomatist, was appointed to suc-

ceed Mr. Grant. Lord Aberdeen was transferred to the foreign office, and Sir George Murray, who had been quarter-master general in the Peninsula, under the Duke of Wellington, was made colonial secretary. Neither the new secretary of war, nor Lord Aberdeen's successor as chancellor of the Duchy of Lancaster, had seats in the cabinet.

Another important change in the government took place in the course of the summer, in consequence of the forced resignation of the Duke of Clarence, as lord high admiral. Though this occurrence produced but little sensation at the time, and was justified by the repeated indiscretions of the royal incumbent, the ease with which the Duke of Wellington disposed of the heir presumptive of the throne, was no slight indication of the firmness of his character, as well as of his influence with the king and people. By putting the vacant office in commission, and placing at its head a cabinet minister, the patronage of the navy was restored to the cabinet. The command of the army, rendered vacant by the resignation of the Duke of Wellington, had been given to General Lord Hill, an officer who had been greatly distinguished in the Peninsula, and at Waterloo, and who was supposed to be under the entire influence of his former leader.

Even before Mr. Huskisson retired from the government, a case occurred in which the ministry found themselves in the minority. In the commons, on the 26th of February, Lord John Russell moved, "that the house should resolve itself into a committee of the whole house, to consider of so much of the acts of the 13th and 25th of Charles II., as requires persons, before they are admitted into any office or place in corporations, or having accepted any office, civil or military, or any place of trust under the crown, to receive the sacrament of the Lord's supper, according to the rites of the church of England." These acts had been originally designed against Roman Catholics; though as this obnoxious sect was excluded from office by other means, their bearing was now considered to be solely against dissenters. Their effect was, however, avoided by annual indemnity acts, which had been constantly passed during eighty-five years; the professed object of which was, to relieve those who had accepted office, without having taken the sacrament, from the penalties of the omission; and there were, in fact, many dissenters, both in parliament and important public stations. The opposition to the motion was conducted, on the part of the ministers, by Mr. Huskisson and Mr. Peel, though their respective ob-

jections were placed on very different grounds. The former, an advocate for Catholic claims, was afraid that the removal of these mere nominal disabilities from the dissenters, might injure the prospect of carrying that more important measure; while the latter considered the maintenance of the existing laws essential to the proper preponderance of the established church. On a division, the motion was carried by a majority of 44, the ayes being 237, and the noes 193. When the subject was again considered, ministers asked for a delay, in order to enable them to submit some measure short of the absolute repeal. This being objected to, Mr. Peel and the other ministers left the house, before the question was taken, in a manner which indicated great mortification at the unavailing result of their opposition. Ultimately, however, the cabinet proposed, with success, that in lieu of the existing test, a simple declaration, not to use the power or influence of their places against the established church, should be taken by all persons holding offices under corporations, and, on his majesty's requiring it, from all persons holding offices under the crown. This decision was deemed a great triumph by the friends of civil and religious liberty, and was, no doubt, well calculated to prepare the way for the more import-

ant measures of the following session.

The Catholic question was brought forward on the 8th of May, by a motion from Sir Francis Burdett, that the house should resolve itself into a committee of the whole on that subject. This proposition prevailed, by a majority of six votes; and in the committee, a resolution, in the following words, was agreed to: "That it is expedient to consider the laws affecting his majesty's Roman Catholic subjects, with the view of effecting such a final adjustment of them, as may be conducive to the peace and strength of the United kingdom, the stability of the Protestant establishment, and the general satisfaction and concord of all classes." Instead, however, of introducing a bill to that effect, it was determined to ascertain, in the first instance, if the opinion of the house of lords coincided with that of the commons. Accordingly, the resolution was communicated to their lordships in conference; that is to say, a committee of the house of commons delivered to managers, named on behalf of the lords, a copy of the resolution, without discussion. The debate in the peers, on a motion to agree to the resolution of the other house, lasted two days, and was terminated by the Duke of Wellington, who considered the question merely as one of expediency, and grounded his

opposition to emancipation, not on doctrinal points, but on the church government of the Roman Catholics. The motion to concur in the vote of the commons was lost by a majority of 44; the contents being 137, and the non-contents 181.

Whilst these proceedings were taking place in England, the Irish Catholics were adopting measures, to secure for themselves the attainment of the great object of their desires. They had formed an association, whose influence was felt throughout the whole kingdom; they collected a catholic rent, to which the poorest tenant willingly contributed, and, at the same time, were so cautious in their mode of opposition, as to afford no opportunity for the interference of the government. A law, passed in 1826, for its suppression, in common with that of similar societies, had only affected a change in the forms of the "association."

A vacancy occurring in the representation of the county of Clare, in consequence of the appointment of Mr. Fitzgerald to the board of trade, afforded an opportunity of proving the full extent of the catholic combination. Mr. Fitzgerald had always been an advocate for the repeal of the disqualifying acts; but he had, in the opinion of the association, been guilty of an unpardonable offence, in accepting office under the Duke of Wellington. Mr.

O'Connell, an Irish barrister of great popularity, was, though a Catholic, announced as the opposing candidate, he avowing his firm belief that he could sit and vote without taking the oaths imposed for the exclusion of his sect. On the part of the peasantry, as well as of the priests, the contest was regarded as one closely connected with their religion, and no exertions were wanting to bring to the polls, all over whom the catholic church could exercise an influence. As, in Ireland, the right of suffrage extended to all forty-shilling freeholders, and as leases for life had been multiplied in the greatest abundance by landlords, in order to increase their own power, the number of electors open to the influence of their priests, bore an overwhelming proportion to that of all other persons entitled to vote. Mr. O'Connell was chosen by a great majority; and, from the indications afforded by this election, it was evident, that should the obnoxious oaths be retained, and be exacted, Ireland would be left without a representation. The opinion, indeed, began to be generally entertained, that a compliance with the Catholic demands was inevitable. Though Mr. O'Connell was elected during the session, he did not consider it advisable to present himself in the house of commons before the prorogation, and thus a discussion as

to his eligibility, without taking the oaths, was avoided.

By the attentive observer, much might have been gleaned from the remarks of the Duke of Wellington, in the Catholic debate in the house of lords, to lead to the supposition that the settlement of this long contested matter would occupy his early consideration; and though the king was silent as to Ireland, in his speech proroguing parliament on the 28th of July, 1828,* at that time, a very general impression prevailed among those best acquainted with the views of the government, that, at the ensuing session, some plan of reconciliation would be adopted, which, while it removed all practical grievances from the Catholics, would, in order to satisfy the established church, contain securities analogous to the declaration imposed on the dissenters, when the test and corporation acts were repealed. These anticipations were greatly strengthened, by a speech at a public dinner at Londonderry, on the 12th of August, from Mr. Dawson, one of the county members, who, being the brother-in-law of Mr. Peel, and the official secretary of the Duke of Wellington, was believed to express the views of government. This gentleman, who had been one of the most vehement opponents of the Catholics, on this occasion declared, that his

* See Public Documents.

sentiments were changed, and that the Irish ought to be conciliated, by parliament's granting the emancipation demanded.

Before the election in Clare occurred, the act against illegal meetings in Ireland had expired by its own limitation, and the association, which had never been much affected by it, had re-assembled in its original form. By this body, in fact, were all the powers of government assumed—the people were tranquil and quiet, not in consequence of dread of the law, but as a matter of expediency, recommended by their rulers, to whom they paid voluntary obedience, as the people of this country did to the committees of public safety, when resistance to England first began to be organized. In case of an apprehended riot, the proclamation of the lord lieutenant only followed the recommendation of the association.

That this state of things could not last, was admitted by all; but the high church party were unwilling to yield, without at least making a strong effort for victory. To influence the government, and counteract the Catholic association, the old Orange lodges were revived; and Brunswick clubs, a name intended to recall the circumstances under which the present reigning family ascended the throne, were established in various parts of Ireland, and even extended to Eng-

land. A great meeting was likewise held in the month of October, in the county of Kent, for the purpose of arousing the friends of the established church. An important incident in the affairs of Ireland, was the following letter, addressed on the 11th of December, by the Duke of Wellington, to the titular primate of Ireland, in answer to one from the archbishop.

"My dear sir—I have received your letter of the 4th instant, and I assure you that you do me justice in believing that I am sincerely anxious to witness the settlement of the Roman Catholic question, which, by benefiting the state, would confer a benefit on every individual belonging to it. But I confess that I see no prospect of such a settlement. Party has been mixed up with the consideration of the question to such a degree, and such violence pervades every discussion of it, that it is impossible to expect to prevail upon men to consider it dispassionately. If we could bury it in oblivion for a short time, and employ that time diligently in the consideration of its difficulties on all sides, (for they are very great,) I should not despair of seeing a satisfactory remedy."

This note was communicated to the Lord Lieutenant, who dissuaded the Catholics from following the Duke of Wellington's recommendation, to refrain from agitation. In consequence of the advice of

the Marquis of Anglesea, which was also made public, he was recalled from his government; a circumstance which served as the signal for renewed clamours on the part of the Irish, and was received with particular regret, by the friends of emancipation, as seeming to close the door to all hopes of immediate relief. They were, however, urged by it to more effectual exertions. A great meeting, at which the Duke of Leinster, the only nobleman having, in the Irish peerage, the title of the highest grade, presided, was held in Dublin, on 20th January, 1829. Letters were read, addressed to the chairman, from many noblemen and gentle-

men, who embraced that occasion; publicly to renew the assurances of their attachment to the cause; and a protestant declaration in favour of catholic emancipation was signed by 2 dukes, 7 marquisses, 28 earls, 11 viscounts, 24 barons and other lords, 22 baronets, 36 members of Parliament, and 2000 gentlemen.

In parliament, as well as in public opinion, the catholic question had gradually, though slowly, gained supporters and strength, by the lapse of time. Its progress in parliament, since 1805, when Mr. Fox moved for a committee to take into consideration the catholic claims, may be seen by the note, below.*

* That year (1805) the majority against the measure was 212. From that time, to the year 1812, the subject was frequently brought before parliament, but met with a decided yet decreasing majority. In June, 1812, Mr. Canning's motion to appoint a committee, passed the house, but was rejected in the lords, by a majority of one.

1822, April 30. Mr. Canning's motion for a bill to enable Catholic peers to sit in the upper house was carried,—ayes 249, noes 244.

May 13.—Second reading of the bill,—ayes 235, noes 223.—Majority for the bill, 12.

May 17.—Bill passed without a division.

June 21.—In the house of lords. Second reading of the bill. Contents, 129; noncontents, 171.—Majority against the bill, 42. Bill thrown out.

1823, April 18. Mr. Plunkett made a motion, for a committee. Sir F. Burdett, and several other whigs, abruptly left the house. Motion met by a counter-motion, for an adjournment. Ayes 313, noes 111.—Majority against the Catholics, 202.

1824. Question not brought forward.

1825. February 28. Sir Francis Burdett moved for a committee.—ayes 247, noes 234.—Majority for the Catholics, 13.

April 22. Second reading of the bill,—ayes 268, noes 241.—Majority for the Catholics, 27.

May 10. Third reading of the bill—ayes 248, noes 227.—Majority for the Catholics, 21. Bill passed.

May 17. In the house of lords. Contents 130, noncontents, 178.—Majority against the Catholics.—Bill thrown out.

1826. Question was not brought forward.—Parliament dissolved.

1827. New parliament.—March 5. Sir Francis Burdett moved for a committee—ayes 272, noes 276.—Majority against the Catholics, 4.

1828. May 12. Sir Francis Burdett moved for committee—ayes 272, noes 266.—Majority for the Catholics, 6.

June 11. House of lords. Contents 137, noncontents, 182.—Majority against the motion, 45.

The duke of Wellington had declared, that he would never support the catholic claims, unless they were taken up as a measure of government. The present cabinet, like all which had existed during thirty-five years, was formed on the principle of independence on this question; that is to say, the ministers were free to vote and speak on it, according to their convictions, while in other cases they are bound to support the views of the Premier. The opinions of Mr. Peel had been so unequivocally expressed against all concession, and he had shown so fully the importance which he attached to catholic exclusion, by refusing to serve under Mr. Caning, for the sole avowed reason, of a difference of views from him, on that matter, that it was supposed his resignation must precede any measure looking to the admission of Papists to power. Of the change, however, that had been operating on the minds of ministers, the speech of Mr. Dawson, already alluded to, afforded some indication.

A greater difficulty to be surmounted, was the royal prejudices. The former king, had believed that he was forbidden by the words of the coronation oath, from assenting to any measure, admitting catholics to the legislature; and this sentiment had been

strongly expressed by the late duke of York, and was supposed to be entertained even by George IV. Indeed, after the passage of the Catholic bill, when explanations took place respecting the cause of the sudden recall of the Marquis of Anglesea, immediately on the publication of his letter to Dr. Curtis, this unpopular measure was ascribed to the feelings of the king, whom it was necessary to propitiate on a subject "of which," to use the duke of Wellington's words, "he never hears, nor never thinks, without being disturbed by it."

At the opening of parliament, on the 5th of February, 1829, the settlement of the catholic question was proposed in the royal speech,* and the duke of Wellington declared in his place in the lords, that the removal of all disabilities under which the catholics laboured, with the exception of those resting on special grounds, was intended. Mr. Peel, in the commons, said that he retained the same opinions as ever on this question, but that he considered, looking to the state of the country, the granting of the claims to be inevitable; men were obliged to yield to the necessities of the times; great inconvenience had arisen from a divided administration, and no government could be formed on the principle of permanent resistance. In consequence of his determination to

* See Public Documents.

support catholic emancipation. Mr. Peel resigned his seat for the university of Oxford, which had repeatedly, and this year by a majority of three to one, petitioned against all further concession. He stood for a re-election, but his apostacy from a cause, with which he had been long identified, led to his rejection, and he was obliged to be content with the representation of a treasury borough.

Before bringing forward the Catholic relief bill, an act for the suppression of the association was introduced. It extended in terms to all similar meetings, but the power of interfering respecting them, was placed in the lord lieutenant, direct, and the law was to be only of one year's duration. The Catholic Association anticipated its operation, and voluntarily dissolved itself, before the act was passed through its several stages.

On the 12th March, 1829, Mr. Peel moved to go into a committee on the relief bill. The only offices which it did not open to the Roman Catholics, are those of Regent of the United Kingdom, of Lord Lieutenant of Ireland, Lord High Chancellor, Lord Keeper, or Lord Commissioner of the great seal of Great Britain or Ireland. Appointments to the Universities, and any church patronage which a catholic might possess, by virtue of his property or situation, are vested in the crown. Catholics are not to ad-

vise the crown, as to the distribution of any ecclesiastical dignities. The act also contains provisions, preventing the assumption by the Roman Catholic bishops of the titles belonging to the English hierarchy; and members of religious communities were required to be registered; but there was no arrangement with the Pope, as to the nomination of bishops, no stipend to be paid to the Roman Catholic clergy, and no supervision of their correspondence with the Holy See.

By the old law, every member of parliament was obliged to take the oath of allegiance and supremacy, and to make the declaration that there is no transubstantiation in the elements after consecration; and that the sacrifice of the mass, and the invocation of the saints, as used in the church of Rome, are impious and idolatrous. For these requirements was substituted an oath, which, from the interest that the subject has excited, as well in this country as in Europe, may, with propriety, be here inserted entire.

"I, A. B., do sincerely promise and swear, that I will be faithful, and bear true allegiance to his majesty King George the Fourth, and will defend him to the utmost of my power, against all conspiracies and attempts whatever, which shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and

make known to his majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support and defend, to the utmost of my power, the succession of the crown, which succession, by an act, entitled 'an act for the farther limitation of the crown, and better securing the rights and liberties of the subject,' is, and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of these realms; and I do further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure, the opinion, that princes, excommunicated or deprived by the pope, or any other authority of the see of Rome, may be deposed or murdered by their subjects, or by any person whatsoever. And I do declare, that I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state or potentate, hath, or ought to have, any temporal jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. I do swear, that I will defend, to the utmost of my power, the settlement of property within this realm, as established by the

laws: and I do hereby disclaim, disavow, and solemnly abjure, any intention to subvert the present church establishment, as settled by law within this realm: and I do solemnly swear, that I never will exercise any privilege to which I am, or may become entitled, to disturb or weaken the Protestant religion, or Protestant government, in this kingdom. And I do, solemnly, in the presence of God, profess, testify and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever."

There was connected with this measure one of no inconsiderable importance, by which it was hoped still to retain the political ascendancy to the protestants in Ireland, who, though numerically a small minority, possessed a large portion of the property. This was to be effected by raising the freehold suffrage from 40 shillings to £10; and so connected were the two bills, that, for fear of endangering the other, the whigs and liberals supported the disfranchising act, which passed into a law, only 17 members voting against it in the commons.

It being now distinctly understood that the Catholic question was a government measure, members of parliament who held offices, knowing the certain effect of their opposition, generally support-

ed it; and on the motion to go into a committee, the votes were 348 to 160. At the subsequent stages they were 353 to 173, and 320 to 142, the last being the numbers on the final passage of the bill, on the 31st of March.

In the house of lords, the Duke of Wellington brought forward the consideration of the bill on the 3d of April, and it having passed by a vote of 217 to 112, and received the royal assent, became a law of the land on the 13th of the same month. During its pendency in the peers, all the royal princes, then in England, took part in the discussion: the Dukes of Clarence, Sussex, and Gloucester, supporting, and the Duke of Cumberland, who, by his tainted character, not less than his high church, and high tory principles, had been deservedly rendered unpopular, opposing it. The two archbishops, and a considerable portion of the bishops, also resisted the measure, which was about to admit a hostile sect to a participation of political power. The ex-chancellor, Lord Eldon, was zealous in his exertions to preserve the existing order of things.

In consequence of his maintaining his consistency, the attorney general was removed from office, and minor changes were effected in various departments. The Duke of Wellington is reported to have replied to one of the ministers, who requested permission to be

neutral, "Yes, your lordship may be as neutral as you like. But, however Lord Viscount Beresford may vote, the KING's *master general* will be pleased to vote in support of his majesty's government." It was even said of Mr. Peel, that he had been anxious to obtain the premier's consent to resign, and to return to office after the act was passed. This proposition, of course, was not listened to.

Thus that great measure, which Mr. Pitt failed to accomplish, which Fox and Grenville united had not confidence to carry, which was the indirect cause of Canning's death, was effected almost without a struggle by the victor of Napoleon. Indeed, it may well be questioned, whether any minister save the noble duke, could have combined, by procuring the assent of the king, and neutralizing the church influence, and that of the high aristocracy of the country, the support necessary to pass the catholic relief bill into a law.

Though the act granting catholic emancipation has been assimilated to the revocation of the edict of Nantes by Henry IV.; and though its immediate and direct effects have been in the highest degree beneficial, the consequences that are to result from the repeal, during the two last sessions, of the disabilities affecting the various classes of dissenters from the church, may well present a subject

for serious consideration. All the parts of the English system are so arranged, that it is difficult to alter it in any particular, without the influence of the change being felt in the remotest quarters. The regulations as to primogeniture are made perfectly convenient to the members of an aristocratic family, in consequence of the different places in the church and state, which, besides those in the army and navy, are within the gift or influence of the elder branch, affording an ample support to the younger brothers. The sum, indeed, received from the public by the aristocracy, either directly, or through the church, and other similar sources, far exceeds the whole amount which they pay in taxes to the government, which is, in fact, supported by those who are usually denominated the productive classes. Take away the sinecures in the church, and inquiry will soon be made respecting the numberless places in the courts of law, and elsewhere, which, while they require no duty from the incumbents, furnish ample revenues even to the brothers and sons of titled peers. With all the meliorations that have been made in the political state of the catholics, and protestant dissenters, they cannot but feel indignant at a condition of things, by which they are obliged, besides paying their own spiritual teachers, to contribute their tithes to the sup-

port of a clergy whose peculiar doctrines they deem erroneous, and who also enjoy the entire revenue of lands, appropriated to the support of religion, at a time when all the inhabitants of the country were of one creed. Is there not reason for the aristocracy to fear, that the dissenters and catholics, who, together, form more than half of the population of Great Britain and Ireland, uniting with the friends of religious liberty belonging to the establishment, may use their newly acquired powers to attempt the substitution to the existing church establishment of the French principle, where the state pays all the teachers of religion moderate stipends, or that of the United States, where they depend on the support of their parishioners? In despite of the restrictions in their declarations and oaths, the unfettered admission of the catholics and dissenters to parliament, affords them an influence for consummating this object, which they could not have had without the possession of this political power. The then general state of Europe, the condition of the finances, and the internal difficulties of Ireland, constituted strong motives for passing the emancipation bill, and its abstract justice no one can question; but looking merely to the ascendancy either of the church, or of the aristocracy, whose interests the legislature has usually deemed synonymous with

those of the nation, its policy may well be questioned. There are many cases in which the maxim *ce n'est que le premier pas qui coute*, applies.

The space which they fill in the journals of the day, prevents our passing over two events, which may be regarded as episodes to the great measure of catholic relief. We refer to the personal rencontre between the Duke of Wellington and Lord Winchelsea, and the attempt of Mr. O'Connell to take his seat as a member of the house of commons.

To understand the former of these matters, it may be proper to observe, that, in 1826, several gentlemen, belonging to different religious societies, laid the foundation of a university in London, where no high seminary of education had previously existed. To render it an object of universal support, they excluded from it all provision for religious instruction, which, as the students resided with their parents or guardians, seemed less necessary than in colleges formed on a different plan. The attempt to establish this new institution was, at first, regarded as unfriendly to the ancient universities of Oxford and Cambridge, which had previously possessed the monopoly of furnishing a finished education; and it was subsequently opposed by the church of England, as tending to promote infidelity, or, at least, sectarianism. As the best

means of obviating its anti-religious or anti-episcopal effects, it was proposed by the friends of the established church, to form a rival university, in which religious instruction, in its tenets, should hold a prominent place. In this enterprise the Duke of Wellington co-operated, by presiding at the meeting called for the purpose, and heading the subscription list. The measure was warmly taken up by the zealous religionists, and among them by the Earl of Winchelsea, who belonged to the stricter party in the church. This nobleman, connecting the exclusion of the catholics from power, with the ascendancy of protestantism, was excessively violent in his opposition to the relief bill; and, in the course of the proceedings respecting that measure, was induced to reflect, in strong terms, on the motives of the Duke, in countenancing the establishment of the new college. In a letter to the secretary, dated March 14th, 1829, withdrawing his subscription, he says:

"I was one of those who, at first, thought the proposed plan might be practicable, and prove an antidote to the principles of the London university. I was not, however, very sanguine in my expectations, seeing many difficulties likely to arise in the execution of the suggested arrangements; and I confess that I felt rather doubtful as to the sincerity of the motives

which had actuated some of the prime movers in this undertaking, when I considered that the noble duke, at the head of his majesty's government, had been induced, on this occasion, to assume a new character, and to step forward himself, as the public advocate of religion and morality.

"Late political events have convinced me, that the whole transaction was intended as a blind to the protestant and high church party; that the noble duke, who had, for some time previous to that period, determined upon "breaking in upon the constitution of 1688," might the more effectually, under the cloak of some outward show of zeal for the Protestant religion, carry on his insidious designs, for the infringement of our liberties, and the introduction of popery into every department of the state."

A demand for an explanation having been made and declined, a challenge from the Duke of Wellington ensued. The opinion of the world was more operative than even religious scruples on the mind of the evangelical nobleman, and a duel took place, which, however, was fortunately attended with no fatal results.

The other event, to which we allude, was the attempt made by Mr. O'Connell to take his seat, on the 15th of May. The relief bill was made prospective in its provisions; and, consequently, he stood

in the same position as if it had never been passed. He had, however, declared before his election, that he could sit without taking the obnoxious oaths; but the majority decided otherwise; and on his refusing to be qualified, according to the old law, a new writ was ordered to issue for Clare. Mr. O'Connell was again returned; but not till after the prorogation of parliament, on the 24th of June.

This individual, whom circumstances raised to temporary importance, has given, in the public papers, as well as in the discussion of his right to a seat in parliament, sufficient indications of the nature of the claims which he possesses to the consideration of the country; and, it may be confidently predicted, that his career of distinction will terminate so soon as he is permitted peaceably to occupy his place in the commons.

A subject, which, in some of its bearings, has a strong analogy to the plan of our African Colonization Society, occupied a good deal of attention in the early parts of the period under review. The great extent of pauperism, especially in Ireland, was ascribed to the redundant population; and it was supposed, that, by sending to the North American colonies a large number of the peasantry from that country, as well as from some of the districts of England and Scotland, and taking down a

proportionate number of the cottages, the supply of work to the remaining labourers in the United Kingdom, and, consequently, their command over the means of subsistence, would be greatly increased. Having once raised the conventional necessities of life, it was conceived that the population might thereafter be kept within such limits as would relieve the country from the apprehension of that great distress, which now results from any temporary depression in the ordinary branches of business, and which threatens the peasantry with absolute starvation, the moment that any of their accustomed sources of support are in any way affected.

The opinion of the benefits resulting from a well regulated system of emigration, not only to the parties removing, but also to those remaining behind, had led societies and individuals, in different parts of the kingdom, as well as the government, to afford it pecuniary and other encouragements. The committee of the house of commons, which considered this subject in 1827, made a long report, recommending a plan of emigration, for which advances were to be made by the public, to be repaid by the individuals receiving their assistance. It was stated, that in 1825, 2,024 persons were removed to Canada, for an expense of £43,145, including their set-

tlement and sustenance, up to the period at which their crops enabled them to provide for themselves.—It was suggested, that by a loan of £1,140,000, 19,000 families, embracing 95,000 individuals, could be removed in three years, and that this might be effected without any sensible burthen to the country, as the interest, including one per cent. for a sinking fund, might be discharged by a thirty years' annuity, to be paid by the settlers.—The plan, it was added, was susceptible of any desirable extension. But a system of general emigration, though earnestly supported in parliament, and sustained by the countenance of some of the most distinguished economists, and by the success which attended the partial experiments of government, never obtained the sanction of a law.

In both of the sessions which fall within the purview of this chapter, the silk trade formed an important subject of discussion; and we refer to it, to show the views professed by the present ministry, respecting the encouragement of the manufactures of the country, as well as the practical operation, while he retained his connexion with the government, of Mr. Huskisson's economical principles.

The subject was brought forward in August, 1828, on a proposition to continue in force a temporary

law, which would have expired in the following October. Though, by the general consolidated statute of 1825, the law prohibiting the importation of raw silk, was repealed from 5th July, 1826, and the duties on it fixed at 30 per cent., this regulation never went into effect. By an act of 26th May, 1826, made with the avowed purpose of merely changing the mode of levying it, the *ad valorem* duty was suspended, till 10th October, 1828, and a duty, regulated by the weight, was imposed. This law made, in fact, an augmentation in the rates, from 30 per cent., at which amount it had been intended originally to fix them, to duties varying from 45 to 80 per cent. on the value of the importations. This result is supposed not to have been produced by an error in the calculations, as avowed, but to be ascribable to a disposition to make the change of system less decided, than was at first proposed.

If the temporary law had been allowed to expire and no further legislation had taken place, the permanent duties of 30 per cent. would have come into force in October, 1828; but the new administration, not being willing to attempt a measure of which Mr. Huskisson, when in office, had never assumed the responsibility, introduced into the customs' bill a clause, continuing the existing duties for a year. This led to a warm

debate, in which the full operation of a system, substituting moderate duties to prohibition, was contended for by the ex-ministers, while delay was asked by the vice-president of the board of trade. The administration, however, finally succeeded, after having yielded to Mr. Grant, (the late president of the board of trade,) an amendment, limiting the duration of the rated duties to the end of the next session of parliament.

During the recess, great distress occurred among those engaged in the silk trade, which, by the advocates of the restrictive system was ascribed to the admission of foreign commodities, at comparatively moderate duties, and by all the friends of free trade, to smuggling, encouraged by the imposition of rates still too high. The president of the board of trade, Mr. Fitzgerald, in discussing the subject on the 14th of April, 1829, supported the latter opinion, and also attributed many of the difficulties, under which the manufacturers laboured, to the high duties on raw and thrown silk; the same system prevailing, in England, as has been adopted in most other countries, of counteracting the advantage to the manufacturer from high duties on the imported article in its finished state, by levying charges almost equally restrictive, on the raw material, procured from abroad. The government now

proposed as a remedy against smuggling, to bring into effect the principles of the act of 1525, retaining so much protection to the home manufacturer that the lowest duty on silk goods, not from India, might be equivalent to 25 per cent. ad valorem. On India silks, the duties were to be 20 per cent. The new bill proposed to unite the principle of an ad valorem with that of the rated duty. "It was convenient," Mr. Fitzgerald said, "both for the importers, and the revenue, to continue to take the duty by weight; but to prevent the importation of articles of a high value, and of a finer order, of which the value cannot be defined, or measured by a rated duty, it was proposed that the officer should have the power of charging the same, by a duty on the value." He, however, declared, that the rated duties were now so arranged as not to exceed 30 per cent. ad valorem.

As before the customs' bill of 1828 was passed, intelligence had been received of the enactment of a new tariff in the United States, by which duties on many articles usually received from England, were greatly augmented, it was proposed to meet its provisions by corresponding regulations, that might bear injuriously on the productions of the United States.

By the commercial convention between the two powers, it is stipulated that no higher or other duties

shall be imposed on the importation, or exportation of the productions, &c. of each country, to or from the other, than on like articles, the productions, &c. of other foreign countries. On the 18th of July, 1828, Mr. Huskisson, then no longer minister, availed himself of a motion, for the production of the American tariffs, to make some observations on the policy pursued by the United States, in relation to manufactured articles, usually received from England; and he intimated that she might retaliate, either by selecting for high duties, the articles ordinarily imported from the United States, or by annulling the commercial convention, to which either party was at liberty to put an end, on giving twelve months' notice. To the latter part of the alternative, the ex-minister appeared to give the preference. Mr. Grant, the late president of the board of trade, is reported to have declared the new American tariff, to be an infraction of the commercial convention; and Mr. Huskisson seemed disposed that the public should understand that the low duties, existing in 1815, operated as the motive for making a treaty of commerce, and that there was an obligation on our part to continue them unchanged. We will, however, give the remarks of Mr. Huskisson, and of some of the other speakers, according to the reports of the day; only adding, by way

of explanation, that the question; whether the discrimination between hammered and rolled iron, was an infraction of the treaty, was fully discussed by the plenipotentiaries of the two powers, and the convention signed after the American negotiator, had distinctly declared that he could agree to no article, which should exclude the interpretation, that had been given by the United States, to the words "like articles," as used in the treaty about to be renewed.

"Mr. Huskisson, on rising to move for copies of the American tariffs of 1824 and the present year, with any communications from his majesty's ministers in the United States on the subject, said it was necessary, before the close of the session, to take some notice, not of the intention, perhaps, but of the tendency of certain acts which had been lately passed in the United States, detrimental to their own interests, but certainly calculated greatly to injure and impede the trade and manufactures of Great Britain. In 1815, a convention was entered into for four years, which was not introduced by him, but which was nearly one of the first of those reciprocity treaties that had been so much abused. The simple principle was this :—That all articles, the growth, produce, and manufacture of either country, should be received in either upon duties as low as those paid upon any

the like articles the growth, produce or manufacture of any other country; and further, that there should be no discriminating duties in reference to the national character of the respective ships. In 1818, it was renewed. At this period, when we were exploding the doctrine of prohibition, it was adopted by the Americans with reference to the great staple manufactures of England. About the same time, the convention was violated by the United States imposing an additional duty on iron rolled instead of beaten into plates, which was an increase occasioned merely by the improvement in the mode of manufacture. This country remonstrated, but without effect; though on the renewal of the convention the principle was conceded, and it was also agreed that the treaty should be dissolved on either party giving twelve months' notice. Since that period the American congress has added other duties, particularly upon wool, hardware, and cotton, and those duties were so great as to amount almost to a prohibition; and, as in the year before, the proposition for an increase was rejected by a majority of one; in the year 1828 it was carried by a great majority. But he understood that those best informed upon such subjects in the United States, looked upon the increase as highly prejudicial to their interests. Certain it was, that every country looked to its own

interests, and on that principle he did not complain of the United States; but on that principle also was it that we ought to look to our own course, so as to counteract that feeling in others. He was not one of those who advocated a system of prohibitory warfare; but if we did not adopt some course of the kind, we should forfeit our claim to impartiality, and justify complaints on the part of the countries, who were dealing with us in a fairer and juster manner.—The people of the United States deceived themselves, if they supposed that we had not ample means of manifesting our feelings, even under the convention; but it was, however, open to us to put an end to that convention by due notice given, and this was, in his opinion, the more manly course. The principal exports of America—tobacco, rice, cotton, and turpentine—were not manufactured in this country, but were merely sent to this country for consumption, and with those articles it would not be difficult to supply ourselves from other sources. He believed, that this tariff owed its existence less to the opinion that it would promote national objects, than electioneering purposes. It was not a matter of surprise; that party should prevail in a country where the supreme executive power was an object of competition, not twice in an age, but once every four years. He observed, that these measures were generally brought

forward at the period of these elections, with reference to the excitement of the people.

“While the trade of the United States with this country amounted to one half of all the exports of their own production, it formed only one sixth of the whole trade of this country. He would leave it to the sober and temperate consideration of those, who ought to be the rulers of the destinies of that country, to decide whether it was a safe game, for them to risk one half of their trade, in order to impede us in a branch of our commerce, which was only one sixth of our whole foreign trade. So far from retaliating, he would leave the American government to find out the folly of their proceedings; and he had no doubt they would soon repent the day they adopted this weak and absurd policy. He was of opinion, that for every pound of injury the tariff would inflict upon England, the injury to America would be fourfold.

“Mr. Hume said, nothing rankled more in the breasts of the Americans, than our exclusion of their corn. This was the staple of half the country and it was by the influence of those states which grew corn, that this unwise and impolitic tariff had been passed.

“Mr. Peel said, it was a mistake to suppose the tariff was retaliatory with reference to its own particular measure, for in the very year, that

it was introduced we had relaxed in our regulations respecting American corn. He had no objection to the production of the documents, from which he gathered sufficient to prove to him, that the security of America would before long induce that country to recall the present step, as it must necessarily lead to considerable suffering there, if continued; and in the mean time he was glad that circumstances prevented the possibility of our adopting any retaliatory system, as the only effect likely to be produced by such a course would be, its being taken wrong by the Americans, and leading to still further steps."

The motion was then agreed to.

Mr. Huskisson, had, on a previous day, advocated the entire removal of the duty on East India rice, founding his proposition on the fact that "the United States of America now furnished rice to Great Britain, and he thought that the conduct, which they had recently displayed, did not warrant England, in continuing to them what they had no disposition to give her, in return." Mr. Courtenay, (Vice President of the board of trade,) replied that it had been already determined to lower this duty to a rate nearly nominal.

Mr. Peel gave no clear explanation of the course, that the government might ultimately adopt, by way of retaliation. The re-

duction of the duties on rice and cotton, from the British possessions, is, however, ascribed to a desire of diminishing the importations of these articles from the United States. There were also, other provisions in the customs' bill, intended to bear disadvantageously upon the navigation of the United States, but they were rendered inoperative by the paramount authority of the existing convention.

An additional discriminating duty of 3d. per lb. on stemmed tobacco, from foreign countries, with a view of reaching the description usually received from our southern states, was also proposed, but withdrawn on account of a pledge that had been given to the manufacturers not to change the impost on this article, without previous notice.

The principle of this duty was defended, on the ground, that it would peculiarly affect the American trade, without contravening the words of the treaty, and a precedent, for such a course of proceeding, it was said, was to be found in the tariff of the United States, in the case above alluded to, where iron, manufactured by rolling,—the kind sent from England,—was taxed on its importation, at a much higher rate, than hammered iron, the description usually received from Sweden.

At the session of parliament of

1829, the subject of the American tariff was again brought forward, and much of the distress that the English manufacturers had experienced, during the preceding season, was imputed to its operation. No retaliatory measures were proposed by government, in consequence, as was alledged, of the impression that prevailed, that the new administration at Washington, raised to power by the influence of the southern states, would recommend to congress important modifications in it.

By the commercial convention, originally concluded between the U. States and Great Britain in 1815, as we have seen, no distinction could be made in the ports of either country in favour of its own navigation, employed in the direct intercourse with the other. England had previously made a similar treaty with Portugal, and in 1824-5 conventions of the same kind, or like arrangements by mutual legislation, were entered into with several of the northern powers, in accordance with a general act of parliament to that effect. The stipulations in all these agreements were, however, confined to the trade with the mother country; but in 1825 the intercourse with the colonies was offered to all powers having colonies which should admit British vessels into them, on equal terms; and to those not having colonies, on condition of their

giving to the vessels of Great Britain, and of her colonies in their ports, the privileges of the most favoured nation. The circumstances which led to the interruption of the intercourse between the United States and the English West Indies, have been heretofore stated. We will therefore only remark at this time, that, though other powers were urged to adopt the measures required by it, the act of 1825 was never officially communicated to the American government, who considered the negotiations of 1824 respecting the colonial trade to be suspended, not terminated. The fact is, that the ship-owners were very much displeased with the principles of the reciprocity acts of 1823-4, and the ministers seized with avidity, on the omission of the American congress to pass the laws necessary to entitle the U. States to the provisions of that of 1825, in order to close the West India trade against us. That, if it had not been for this expedient, some other means would have been resorted to, which would have effected the same object, is apparent from the manner in which England adhered to her decision, after the willingness of the United States to come into her own propositions, had been avowed. The effect of the measure has, however, been principally disadvantageous to the British West Indies. There are physical reasons, which oblige

them to have recourse to us for their supplies. The North American provinces do not raise more bread stuffs, than they themselves consume, and for many articles, the length of the voyage from Europe is a prohibition to a supply from that source. The result, therefore, is, to compel the West Indians to purchase our productions, received through a neutral island, and loaded with a charge of double freight.

Much of the acrimony of the correspondence between Mr. Galatin and the British government was, no doubt, to be ascribed to the particular views of Mr. Canning and Mr. Huskisson; but the relative circumstances of the two nations, as maritime powers, must always produce great rivalry between them.

The subject of the navigation laws has at every session since the extension of the principle of reciprocity, occupied more or less of the attention of parliament. The motives, which have of late years governed the policy of England, were distinctly avowed in several speeches made by Mr. Huskisson, while at the head of her commercial administration. They may be comprised in two propositions; 1. The threats of retaliation, by other states, through countervailing restrictions on British navigation; 2. The desire of giving, as far as practicable, to countries, that do not aspire to become great naval pow-

ers, the portion of the navigation of the world, which Great Britain cannot engross.

In speaking, indeed, of the exclusion of the United States from the West India trade, Mr. Huskisson, on one of the occasions referred to, thus expressed himself: "I have always understood, that the primary object of the navigation laws being to maintain for ourselves a great commercial marine; the next great principle of those laws was, to prevent too great a share of the foreign carrying trade being engrossed by any one particular country. Was it, then, a subversion of our navigation system, to invite such powers as Prussia, Denmark, Sweden, the Hanse towns, &c. to participate with the United States, in the trade, which we had permitted to the latter with our sugar colonies? Which of those powers is aspiring to raise a commercial marine, to preponderate over that Great Britain? Which of those states is, year after year, augmenting its military marine, by building ships of war of the largest class? Which of those powers possesses a formidable navy, and is looking forward to the time, when it expects to wrest from this country its sway upon the ocean?"

The commercial conventions of 1810 with Portugal, and of 1815 with the United States, were carried into effect by express legislative enactments, made in conformi-

ty with their provisions, which is the course usually pursued, when a treaty contravenes existing statutes. But, in 1823 and 1824, two laws, commonly called the reciprocity acts, were passed, proposing to all countries, that would afford the same privileges to British navigation, an equality of charges on the vessels, and of bounties and duties on the exportation or importation of all merchandise, that may be legally exported from, or imported into, the United Kingdom, in foreign vessels, whether the exportation or importation be in British shipping, or in that of the country with which the reciprocity is established. In 1825 and 1826, a general consolidation of the English commercial code was made, and about one hundred and fifty old statutes were repealed. The reciprocity acts were, however, left untouched, and treaties on the principles established by them have, through the intervention of orders in council, been rendered operative with the following powers, viz. Prussia, Sweden and Norway, Hanover, Denmark, the Hanse-towns, Oldenberg, Mecklenburg-Schwerin, Mexico, Colombia, the provinces of the Rio de la Plata, and Brazils.

An order in council of 16 July, 1827, issued under the authority of the act of 1825, to regulate the trade of the British possessions abroad, interdicts the intercourse with the West Indies to those na-

tions, which had failed to fulfil the conditions required by it, except to France, whose compliance is said to have been partial, and who is admitted to a certain extent, and to Russia, to whom the trade is opened, as a matter of favour. The powers enumerated as having entitled themselves to the privileges of the act, are, Prussia, Hanover, Sweden and Norway, Oldenberg, the Hanseatic Republics, Colombia, the United Provinces of the Rio de la Plata, and Mexico, to which Spain, and in consequence of the treaty with her, Brazils, were afterwards added. This order in council repeated the interdict of the previous year against the United States.

On 31st December, 1827, the registered tonnage of the United Kingdom was 2,150,605 tons; of Jersey, Guernsey, and Man, 30,533, and of the British plantations abroad, 279,362. The corresponding amounts had been, in 1826, for the United Kingdom, 2,382,069, for Jersey, Guernsey and Man, 29,362, and for the British plantations 224,183. The tonnage built and registered in the United Kingdom in 1827, was 93,144; and in the whole empire, 145,809: to which these amounts had respectively fallen from 118,363, and 207,088, since 1826.

It is also proper to remark, that the above-mentioned sums comprise all the tonnage entitled to the privi-

leges of British vessels, the acts of parliament only excepting from the operation of the registry acts, those under fifteen tons burthen employed in the river navigation, or on the coast of the United Kingdom, or of the possessions abroad, and vessels under thirty tons engaged in the Newfoundland fishery, &c.

The American tonnage, registered and enrolled, which corresponds with the British registered tonnage, and with which it is therefore to be compared, was, in 1828, 1,706,230.* The ships built in 1828, enrolled and registered, comprised 98,375 tons. Thus it would seem that the navigation of the United States is increasing more rapidly than even that of Great Britain, if her foreign possessions be excluded from the calculation. It will also be found, that while in the entire trade between the United States and the powers with which they have treaties of commerce, three fourths of the tonnage is American, in the trade between the same powers and Great Britain, the foreign tonnage rather exceeds the British.

By the treaty with Brazil, laid before the two houses, at the open-

ing of parliament in 1828, besides reciprocal stipulations for equality as to the duties and drawbacks, whether the goods be exported in the ships of the one or of the other country, according to the provisions of the general acts on that subject, and a provision as to liberty of trade with all ports not closed to every power, Brazil binds herself that all British goods, either from the mother country or colonies, may be admitted, on paying a duty not to exceed 15 per cent. *ad valorem*, which is the same provision that was secured to England by the effect of the Methuen treaty, but for which she then gave to Portugal an equivalent in the favours extended to the wines of the latter power.

In the treaty between Great Britain and Mexico, there is a stipulation of the same nature with the one contained in that concluded with Buenos Ayres and Colombia, viz. that the Mexicans shall enjoy the liberty of navigation in the British dominions out of Europe, "to the full extent in which the same is permitted at present, or shall be permitted hereafter, to any other nation." This provision in

* In consequence of considering the term registered tonnage to be co-extensive, as employed in the laws of the United States and Great Britain, some errors were made in a recent report of the Committee of Commerce of the House of Representatives, (Feb. 1830.) A comparison was instituted between the entire British tonnage and the American foreign tonnage, to the great disadvantage of the latter; and taking the repeated entries at the custom house, the British coasting tonnage is stated to have been in 1827, 8,648,868 tons, when in fact at that time the whole tonnage, employed in the foreign and coasting trade of the United Kingdom, excluding foreign possessions, was only 2,150,605.

the treaties with the new American states, concluded as they were in 1825 and 1826, at the time when Great Britain refused even to negotiate with us on the subject of the colonial trade, may not be unworthy of notice, as throwing additional light on that policy, which had in view the creating of commercial rivals to the United States—a policy, as we have seen, clearly avowed in the speeches of Mr. Huskisson, delivered in the House of Commons, at that period.

Though Mr. Gallatin's negotiations on the West India trade were not crowned with success, he concluded during his mission (1826–7) four conventions, one of which, making indemnity for slaves taken away in violation of the treaty of Ghent, was ratified in the early part of 1827. The ratification of the others, having for their objects the renewal of the commercial convention of 1815, respecting the trade with the mother country, (already extended for ten years in 1818,) for an indefinite period, but to be terminated at the option of either party, on giving twelve months' notice—the continuance, on the same conditions, of the third article of the convention of 1818, relative to the joint occupancy of the country beyond the Rocky Mountains; and the reference to a friendly sovereign or state, of the determination of the northeastern boundary of the Uni-

ted States, were exchanged at London on the 2d of April, 1828, by the American chargé d'affaires, and Messrs. Grant and Addington, who had been the British plenipotentiaries for concluding the treaties.

In pursuance of the provisions of the last convention, immediately after its ratification, negotiations were commenced between Mr. Lawrence and the English secretary of state, which resulted in the selection of the King of the Netherlands as sovereign arbitrator, before whom the question of the boundary line is, therefore, now pending.

On the frontier, between Maine and New-Brunswick, was a small settlement of French Acadians, who had established themselves there at the time of the expulsion of their countrymen from the province during the seven years' war. These people had preserved a neutral character, never rendering allegiance to the United States, or to the neighbouring British province, and of late years they had been joined by emigrants both from Maine and New-Brunswick. The district occupied by them, was within the territory claimed by the British and American governments respectively. Occasional acts of sovereignty had been exercised by each party, but apparently without the knowledge or assent of the other. Within a very recent pe-

riod, however, New-Brunswick had undertaken to extend her militia laws, and her criminal jurisdiction over them; and in consequence of the arrest of John Baker, an American citizen, for an alleged misdemeanour, (whose case was referred to in the last volume,) a long discussion was carried on, both at Washington and London, which involved some interesting questions of national law.* The demands of the American government for the release of Baker, and the discontinuance of the exercise of British jurisdiction, were both declined, and in that situation the negotiation was left at the termination of Mr. Adams' administration.

A convention was also concluded with Spain in October, 1828, by which it was agreed that £900,000 sterling should be paid by his Catholic Majesty, in satisfaction of the claims of British subjects.

The matters, however, of foreign policy, which, during both 1828 and 1829, most particularly interested the British government, were the affairs of Portugal, and the war in the east of Europe.

Mr. Canning had, during the administration of Lord Liverpool, proposed sending an army to Portugal, on the avowed ground of the obligation of the treaties, by which England was bound to defend that country against foreign invasion. The

danger then apprehended, was from Spain. Such was the enthusiasm, with which the measure of supporting a constitutional government was received, that Mr. Hume, the habitual opponent of all expenses, was, on this occasion, almost alone in his condemnation of the policy. A little experience, however, soon tended to satisfy the minds of all, except the very sanguine friends of representative government, that the mass of the people of Portugal themselves were far from desiring the blessings, which the Emperor Don Pedro had destined for them as his parting legacy. Indeed, the necessary materials for forming the chambers were probably not to be found in the country. Thus the deliberations of the cortes were marked with weakness and indecision. No attempt was even made to bring to trial, or to outlaw the notorious chief of the rebels, the Marquis De Chaves, who was heading an army on the frontiers of Spain. In the absence and minority of the titular queen, Donna Maria, and of Don Miguel, who was still at Vienna, whither he had gone after the disgraceful insurrection against his father in 1824, the reins of government were held by a weak, ignorant, and bigotted woman, the sister of Don Miguel, and of the Emperor Don Pedro.

The disaffected looked to Don

* See Public Documents.

Miguel as a prince disposed to put an end to the innovations in the constitution, and as one having, at least, plausible grounds to claim the crown. Accordingly, they rallied round him as the *absolute king*, and in his name was the rebellion carried on.

To remove all difficulties, the emperor of Brazil, instead of awaiting the fulfilment of the conditions, by which Don Miguel was to become regent, and the husband of the young queen, appointed him his lieutenant, to govern the kingdom of Portugal according to the constitutional charter. This office Don Miguel professedly accepted, in conformity with the terms on which it was granted. He sat out from Vienna to proceed to his government, and on his way thither arrived in London towards the end of December, 1827. While in England he was received with the utmost courtesy by the king, the royal family, the principal nobility, and foreign ambassadors. The situation of the ministry, he having arrived on the eve of the dissolution of Lord Goderich's cabinet, was unfavourable for obtaining any guaranties from the new sovereign of Portugal; and while in London, he behaved with politic duplicity, not giving the slightest indication of his true designs.

On his return to Lisbon, the oaths required by the charter were taken before the Cortes; but these

forms were merely observed to gain time, and on the 14th of March, 1828, the chambers were dissolved, and the Cortes of Lamego—the old estates of the kingdom, were called together, by whom Don Miguel was, on the 26th of June, proclaimed king, a title which he two days afterwards assumed. The elevation of the new monarch was immediately followed by barbarities, the occurrence of which could hardly have been deemed possible in this enlightened age.

In England, a large portion of the people were anxious that the constitutional charter should be avenged, and the conduct of the usurper in disregarding his plighted faith punished. The British ambassador, in common with the diplomatic representatives of all the other European powers, suspended his functions, as soon as Don Miguel clearly indicated his intention to act independently of his brother's authority. But the cabinet of London determined to abstain from interfering in what they deemed an internal dispute; and even the troops, that were still in the peninsula, were withdrawn. Viewing the authority of Don Miguel as that of a government *de facto*, England recognised the blockades which it had established.

In a debate in the house of lords, a few days before the prorogation of parliament, the British policy,

which was distinctly declared to be that of non-interference in the internal affairs of Portugal, was explained by the Duke of Wellington, and the Earl of Aberdeen.

In conclusion, on this part of our subject, it may be observed, that the events which have taken place within the last two or three years, will probably have the effect of putting an end to that influence, which, for more than a century, has rendered Portugal virtually a province of the British empire.

The war in the east of Europe, will elsewhere form a prominent topic of discussion. We will now briefly remark, that even with Mr. Canning, carried away as he sometimes was, by the love of glory, (which could in no way be so well gratified as by becoming the liberator of Greece,) the real motive of adopting the protocol of St. Petersburg, and the subsequent treaty of London of 6th of July, 1826, was to prevent Russia from turning the contest for the independence of the Morea, into one for her own aggrandizement. The British government was sensible, that both the ambition of the Czar, and the religious feelings of his subjects, prompted to a war with Turkey. If this enterprise was undertaken by Russia alone, she would, in the event of being victorious, dictate her own terms; while, if other powers participated in the war, they might set bounds to the fruits

of success. The obstinacy of the Porte defeated, in a great measure, the calculations of the English statesmen; but when the fleet of Turkey was, on the 20th of October, 1827, almost destroyed by the combined squadron of the three allies, public opinion in England but too well evinced the views of the country. On the arrival of the news in London, every one exclaimed, "We have been fighting the battles of Russia;" and even the king announced the victory to parliament as *untoward*.

The hattı scheriff issued after the departure of the ambassadors from Constantinople, had so unequivocally shown, that the object of the Turks, in all previous treaties, had been merely to gain time, and it admitted so many violations of positive conventions; that, with no propriety could the right of making war, on her own account, be refused to Russia. On the mode in which the different classes of operations were to be carried on, were to depend the advantages of the respective allies; and nothing, it is believed, could exceed the diplomatic skill with which the interests of Russia were maintained, as well at London, where conferences were constantly held between the representatives of the three powers, as elsewhere.

It was at first insisted, on the part of England, that the Emperor Nicholas, by becoming a belliger-

rent, had put it out of the power of France and England to regard him any longer as a mediator. It was, however, subsequently agreed, that the contingent of Russia should be kept up in the Mediterranean ; and that her fleet should continue to act there as before the declaration of war, without reference to the hostilities elsewhere carried on against the Ottoman porte. For this apparently anomalous arrangement, a precedent was found in the convention of 1759, between Russia and Sweden, to which Denmark subsequently acceded. This treaty, which not only had in view the general peace of the Baltic sea ; but particularly provided, that the Prussian commerce should not be interrupted, except in cases of contraband, or violation of blockade, was entered into at a period when the contracting parties were at war with the last mentioned power, and a Russian army was threatening Berlin.

But though the king, in his speech closing the session of 1828, stated, that "his imperial majesty had consented to waive the exercise, in the Mediterranean sea, of any right, appertaining to his imperial majesty, in the character of a belligerent power ;" yet, in the autumn of that year, the blockade of the Dardanelles was established. This belligerent measure was maintained, till the decisive victories of the next year led to the treaty of

peace, between Russia and Turkey, by which, besides a large indemnity for the expenses of the war, and for losses of Russian subjects, and a confirmation of the ancient privileges of Wallachia and Moldavia, and the rights of the Servians ; the political existence of Greece was recognised.

The proximity of the British colonies on this continent, the rivalry which already exists between the United States and them, in supplying Europe and the West Indies with many articles of great importance ; and the effect which any change in their political condition, must produce on the balance of power in America, render the discussions respecting the Canadas, which occasionally occupied the attention of parliament, during the two sessions under review, particularly interesting to this country.

It had been long admitted that the condition of the two provinces, was unsettled, and the tendency of affairs there was obviously towards some important and permanent change. The dissatisfaction in the Canadas was great, and was strongly impressed on the attention of the British ministry. A sketch of the causes of this discontent, naturally leads us to an examination of the condition of the two provinces. Lower Canada contains two classes of inhabitants, as dissimilar from each other in habits, languages and usages, as those of France and

England. The one consists of the descendants of the old French families by whom the colony was originally settled, and the other of British merchants, and emigrants, who claim with more than wonted national arrogance, all the superiorities which conquest confers and conquerors exact.

The province has now been seventy years under the British crown, and has for eight and thirty enjoyed the advantages of an English constitution; and yet, it may be doubted if the constitution has in any considerable degree changed the respective character of the inhabitants. We cannot say that any thing like coercion has been allowed to compress the Canadians into a faction; but although no persecution has taken place, the English have yet borne towards them a contemptuous demeanour—naturally calculated to make them coalesce in sentiment, without giving provocation enough to turn them into enemies. In a word, the political condition of Lower Canada may be said to resemble that of England after the Norman conquest.

The relationship between the province and England, does not appear to be well understood. Lower Canada, according to the usual acceptation of the term, was really not a conquered country, but ceded or acquired by capitulation, upon conditions, sanctioned and hallowed

by treaty. The British did not obtain an unrestricted mastership and dominion, such as the Normans acquired over England, nor similar to the authority which the French in latter times, have exercised over so much of Europe. On the contrary, the acquisition was rather of the nature of a confederation with England, than a conquest, inasmuch as the connexion was founded on certain stipulations as specific and vital as the articles of a national union. It probably was, in some degree, owing to respect for the terms of the capitulation and treaty, and to the difficulty of improving the institutions of the country, without infringing on them, that the constitutional act was originally devised.

By that act, the inhabitants became empowered to judge and determine for themselves, as to changes in their laws and institutions; and the British legislature renounced the right, so long as the act remained unaltered, of interfering with the internal concerns of the province. But the renunciation has not been very strictly observed; instances of interference, especially in the Canada trade act, have taken place; and these have had the effect of sowing distrust among the inhabitants.

Another cause of discontent, is to be found in the national habits of the two classes of the popula-

tion, and in the uncongenial coldness and distrust of the British settler.

Of all people, the British are the least disposed to amalgamate with others; too conscious of good intentions, they will not take the trouble to conciliate by the minor morality of manners; and thus it has happened, that they are mingled with the Canadians as water is with oil, mixed but not incorporated.

Religion has had also some effect in preventing that social amalgamation between the two classes, without which no community can ever be either satisfied, or well ordered.

The Canadians are universally Roman Catholics; the British, though of different sects and denominations, are in general Protestants. The former, averse to receive, as they deemed it, the taint of education; the latter, impatient to force it upon them. It was not till the year 1824, that the house of assembly, the majority of which is Canadian, would permit parish schools to be formed; and then the law only allowed their establishment, so far as the parishes chose to educate their own children. This measure, partial as it was, would not have been carried, had not Lord Dalhousie himself, taken a strong personal interest in it.

Upper Canada is also disturbed from causes peculiar to itself. Besides the discontents arising from

the system of espionage, encouraged by Sir Peregrine Maitland, and the disputes relative to the judiciary of the province, there were others, resulting from the character of its population. The settlers of this province, are composed of three distinct classes.

Upper Canada was originally settled by persons in necessitous circumstances; American refugees, loyalists, as they were denominated, who emigrated from the United States at the era of their independence. These persons received grants of land, many of them pensions, and some were entitled to half pay.

Upon this foundation, a superstructure was raised; a layer of merchant adventurers and tradesmen. By the former, in the shape of wares and merchandise, some capital was introduced into the country; and by the latter, who were paid for their labour in goods, houses and buildings of a better order than consisted with the circumstances of the inhabitants, were erected. By this, the country had prematurely the appearance of being settled by a class of persons, superior to those who are commonly the pioneers of a colony, while, in fact, the reverse was the case. There was no wealth among them, little education, in so much, that few who made money in the country, thought of remaining there to spend it.

Besides these two classes, there was a third, consisting of military settlers, under the auspices of government, and of emigrants from Great Britain, and the United States.

The inhabitants, generally, are poor and uneducated, and not possessed of the capital necessary for the improvement of the country. Yet, in this condition, they have had an English constitution given to them, without the proper materials for aristocratic institutions.

Great discontent was felt in both provinces, and their situation had for several years, engaged the attention of the government.

On the 2d of May, 1828, a committee of the house of commons was appointed, on motion of Mr. Huskisson, then secretary for the colonies, to inquire into the civil government of Canada; and, it appeared, from the evidence submitted to them, that the difficulties for which they were to find a remedy were of the most complicated character. Besides the motives to discontent already enumerated, there were dissensions between the lower province and the mother country. In the upper province, the clergy reserves, which, as fixed by the act of 1794, include one seventh part of the whole land, have occasioned disagreements between the majority of the population, and the members of the established church, as well as between the assembly,

and the government at home. The two provinces are also at variance with one another, as to the regulation of trade, and the navigation of the St. Lawrence.

As the French population of Lower Canada is, to the English, in the proportion of six to one, it would necessarily follow, that in any fair representation, the ascendancy would be on the side of the former; but, it seems, that the apportionment made in 1792, has ever since remained unchanged; and that, consequently, no political power has been accorded to the townships recently settled in the neighbourhood of Upper Canada, of which the inhabitants are, in general, of English origin. The effect of this state of things is, to render nearly all the fifty members, of which the assembly is composed, of one party, while the upper house, deriving its authority from the crown, and having a considerable number of placemen in it, belongs to the other. The assembly have repeatedly manifested their indisposition to reform, by resisting the operation of acts of parliament, passed with a view to the change of the seignorial tenures, according to the old *Coutume de Paris*, into the English tenures, by free and common socage, and to the assimilation, in other respects, of the laws of Lower Canada, to those of the mother country.

The English settlers, to whom a large proportion of the capital and

enterprise of the country belongs, are said to be deterred from making investments in land, on account of the expense of the fees on alienation, amounting to one twelfth of the value, and the other obstructions in the disposition of real property, which are tenaciously adhered to by the seigneurs.

A serious misunderstanding arose, some years ago, with respect to the right of the legislature to inquire into the expenditure of that portion of the revenue, about £35,000, which is fixed and corresponds with the civil list in England; and the obstacles interposed by the executive to the scrutiny, led to the refusal to grant the other appropriations, which are about £140,000 per annum. This omission to legislate was met by an act of parliament, (Canada trade act,) passed in 1822, which imposed, for five years, all the taxes then existing; and orders were issued from England, in pursuance of which, the governor called directly on the receiver general, for the taxes to meet the expenses of the province. Since the enactment of the statute referred to, the assembly had, it was stated, with the exception of one session, only met to be prorogued. This virtual abrogation of the right of self government, was not only resisted on general principles, but on account of its repugnance to former concessions of parliament. Besides the declara-

tory act of 1778, by which England relinquished all right to tax her colonies—granting them the power to impose duties on themselves, to be applied to the support of their own institutions and establishments, by the law of 1791, (Mr. Pitt's act,) the right of control over all means arising from the regulation of trade, was vested in the colonial legislatures.

There were also other complaints of a more special nature against the mother country, among which was mentioned a refusal of the council—the dependents of the government at home, to pass a law, requiring securities from the receiver general, an officer appointed in England; and that on the subsequent defalcation, to the amount of £100,000, of the person holding that place, the colony was obliged to make good the deficiency.

In the upper province, the clergy reserves, as set apart in 1791, and scattered throughout the country, present a most fruitful source of difficulty. Only a small portion of the population is of the established church, as was declared by a vote of 38 to 5 in the assembly; and the majority insist that other protestant clergy, as well as those of the church of England, are entitled to participate in the appropriations for religion. An attempt to found a college, on exclusive principles, has also led to much excitement of the same de-

scription; while the situation of the clergy reserves, through which no roads are made, creates great inconvenience throughout the province.

The community of feeling between the people of Upper Canada, and the English settlers of the lower province, and the difference of customs, religion and laws, between the former and the old French inhabitants, would probably have been sufficient, independent of other causes, to prevent any intimate union between the two colonies; but ample provision for future dissensions was made at the time of establishing their governments. It has been observed, that the power of laying taxes was assigned to the local legislatures, but as these were to be in a great measure levied on exports and imports, and as Upper Canada has no seaports, it was determined, that an apportionment should be made of the duties received at Montreal and Quebec. The power, however, of regulating these duties—a power over a matter common to both provinces, was exclusively accorded to Lower Canada, and the proportion of duties, to which their respective consumptions entitled them, was to be estimated from time to time. Various agreements for this object were entered into by the legislatures; but the differences which naturally resulted from this state of things, formed one of the motives

for the attempt in 1822, to unite the two provinces into one government; and of the enactment, on the failure of that project, of the Canada trade act, to which reference has been already made. The method then adopted, was not however, more successful than previous plans, and the regulation of trade still remains a source of much embarrassment.

It is not a little curious to find, in these colonial disputes, more or less discussion on a question, which has heretofore been treated of between the United States and Great Britain. Express provision is made in the act of 1822, for the passage, without duty, of boats, &c. belonging to the upper province, not laden with foreign productions, into, or through Lower Canada; but there is a saving of a power to the arbitrators, who are to apportion the revenue between the two provinces, to levy duties for the improvement of the St. Lawrence, on the prayer of either province. This authority, it was said, was abused, by imposing duties on rafts, and other timber, seriously affecting the interests of those who reside high up the river.

To enforce their respective pretensions, the two parties in Lower Canada sent delegates to England, who supported their claims before the committee.

The committee did not make their report till too late in the ses-

sion to allow of any legislative proceedings, before the prorogation. They merely proposed some internal reforms, of no very great importance, and declared that they were not prepared, under present circumstances, to recommend a union of the two Canadas, for which a petition had been received from some of the inhabitants. No observations are made as to the probable duration of the subsisting connexion between these provinces and the mother country, nor are there any speculations, with regard to their political condition, should a separation take place.

As an evidence of the spirit in which the inquiries were conducted, it may be remarked, that, in speaking of the distribution of the proceeds of the church lands, generally, the committee say, that the government ought to reserve to itself the right to apply the money, if it so thinks fit, to any protestant clergy. The law officers of the crown had, indeed, given an opinion in favour of the right of the church of Scotland, to participate in those appropriations for the support of religion.

The Governor General, the Earl of Dalhousie, was recalled in the course of 1828, and his successor, in opening the legislature of Lower Canada, in November of that year, evinced a desire to bury in oblivion the past dissensions between the different branches of the govern-

ment, and to re-establish perfect harmony. He added, "that he had special instructions as to the appropriation of the provincial revenue, which would enable him to adjust the difficulties that had, for so long a time, been a source of discord and irritation."

But though temporary expedients may, for years, continue to be found to prevent any immediate political change, yet circumstances exist which clearly show that the time is not far distant, when radical alterations must be effected. The nature of the future situation of Canada, it would be premature to predict.

The immense debt of Great Britain, which would render any sums that could be reasonably expected from a foreign power, a matter of insignificance, and the feelings of commercial rivalry, which prevail with respect to the only state, from which such a proposition could be looked for, would probably make England hesitate long before acceding to an arrangement so repugnant to her pride, as that which France adopted in relation to Louisiana. It is, therefore, more than probable that if new difficulties in the province should lead to a choice between incurring the additional expense of sending large forces to Canada, or effecting a separation, the establishment of an independent power, composed of the pre-

sent British possessions in North America, would be preferred to the annexation of a portion of them to the United States. Certain it is, however, that not only those who are led to that opinion by their general views as to colonial establishments, but many other classes of politicians, entertain the belief that the Canadas will not, for many years, remain a part of the British empire. Indeed, it is only in consequence of the opportunity which they afford, of furnishing additional sinecures to the dependents of aristocracy, that any anxiety is felt respecting them.

In voting the supplies for the year, several remarks were made with regard to the public works in Canada. Though the ministry were sustained in continuing the fortifications, which must ultimately lead to an enormous expenditure, the idea of the separation of the colonies, from the mother country, was maintained by Mr. A. Baring, Lord Howick and others. In the course of this debate, the new secretary for the colonies (Sir George Murray) adverted, in terms respectful to the United States, to the danger to which Canada was exposed, from being in the immediate neighbourhood of a great power. We cannot, however, better give the views of Parliament on this subject, than by introducing a summary of this,

to us Americans, interesting discussion.

“ Sir H. Hardinge wished, before moving the next grant, to request the attention of the committee for a few minutes. And the right honourable gentleman read the resolution to grant his majesty £30,644, to enable him to provide works for the defence of Upper Canada and Halifax. This sum, the right honourable secretary went on to state, was to construct part of some works, which, according to the estimate made in 1822, would not exceed £340,000. They were of very great importance, as constituting the new works for the defence of our North American colonies. The finance committee had not given any opinion to the house to guide it on this subject, because it felt a great difficulty in forming an opinion as to the works proposed. In 1819, the duke of Wellington, when he was master general of the ordnance, was requested by the secretary of state for the colonies, to make a report as to the works necessary for the defence of the Canadas. An examination of the country was entered into, and the result of that examination was, that it would be necessary for the defence of Canada, to establish a branch water communication from Montreal to Kingston. The navigation was, in consequence of the cataracts and other impediments

in the river St. Lawrence, very difficult, and it was almost impassable from Montreal to Kingston. Moreover, there was, particularly during the war, a necessity of having a quick communication between these two places. The commercial advantages which would arise from a quick and safe water conveyance between these two places, others would state to the house more ably than he could; the military advantages, and the greatest advantage, perhaps, would be the ability to carry stores to the upper provinces, and to keep up a rapid communication between one part of the country and another, when troops were acting on the defensive. In 1824, the duke of Wellington sent a commission of engineer officers out to Canada to make a complete report of all the circumstances. A report was made in the same year, or in 1825; and in this report it was shown that there was a necessity for forming a water communication, and for erecting fortresses at the most vulnerable points, so as to establish places of security for stores and magazines. In the whole province, there was not a single point, except Quebec, where a cartridge or a musket could be considered as in a place of safety. To fortify Kingston was of great importance, because it not only supplied a place of security for stores, but it gave protection to vessels, and formed a fortified har-

bour on Lake Ontario. It was the only one on the lake. It would also be necessary to defend other points. The ordnance department was unwilling to leave any thing undone, because it had generally been reproached with having neglected to take proper precautions of defence in time. The fortifications proposed were divided into three classes; the first was the most necessary; the second and third classes were not necessary, and might be indefinitely postponed, or not brought forward for a term of years. The present plan embraced only the first class of work, which would require £900,000, if they could be executed; but the present vote was to apply only to works at Kingston and Halifax. The remainder of the sum would be wanted to complete the plan. The question, whether they should go any further than to fortify Kingston and Halifax, would hereafter be discussed; at present the propriety of fortifying Kingston as the port of lake Ontario, and of fortifying Halifax as the chief place of Nova Scotia, could not be doubted. It was necessary to fortify Halifax to defend the dock yard. At present, an enterprising enemy might land in the neighbourhood of Halifax, get in the rear of the town, and destroy it, with the dock yard, and all the stores. It had at present no defences but what had been temporarily erected at the exigence of the

moment. Such works cost more to repair them, and keep them up, than would be required to build solid fortifications. He believed that during the last 30 or 40 years, the expense of these temporary fortifications was more than double the present estimate. It would be better and more economical, to erect a solid and permanent fortification; but with these temporary defences, it always turned out, that when the defences were wanted, they were good for nothing. If the house should now vote this sum, gentlemen would be unfettered as to the £900,000. Whatever there might be done in other places, it was necessary to fortify Halifax and Kingston. The right honourable gentleman then referred to the duke of Wellington's opinion to prove the necessity of the fortifications, and concluded by moving the vote above mentioned.

“ Mr. Stanley said, that this vote was insinuated upon them, first in a small shape, next in a large, and lastly, as it now appeared, to encourage an expenditure, beginning with thousands, but ending with millions. He had consented to vote £41,000 for the Rideau, and last year, under a pledge, as he conceived, that that amount, with the other grants then known, would have completed the work; but now, according to the commissioners, a delusion had been practised upon them, and they had to encounter

the enormous expenditure shadowed out by the present estimates, or else sacrifice their past outlay. The government in the last session of parliament came down to the house, and called upon it to vote an estimate of £42,862—pledging itself to the fact that that sum would cover one quarter of the whole estimate required. That estimate had been now increased to a claim for £527,000. The house was called on to sanction such a vote as that, and they were told that unless they did so they would stultify the whole proceeding. It was said that the expenditure had been commenced, and that unless the works were completed, all the money laid out upon them would be so much lost. Now what was the fact? He would appeal to the late secretary for the colonies, whether he had not given it as his opinion in the course of last year, that the whole case should come before parliament—that the works should be in the mean time suspended—and that during the present year the expenditure should not exceed £41,000? But now the present government came down with an estimate of £150,000; and this, they were told, formed only a part of the whole, amounting to £527,000. If he (Mr. Stanley) wanted any proof of the *animus* which actuated the present half military, half civil government, he found sufficient in the fact, that upon the 4th July this house

should have first heard of a supplementary estimate of £30,000 ; that they should have been called upon to come to a vote on the subject on the following day, which was adjourned accidentally for three days ; and that they were then called upon to come to a vote, pledging the house to a further expenditure of £2,500,000.

“ Was it not hard that at such a time, in the middle of July, when nearly half of the members were out of town, that they should be asked to come to a vote pledging themselves to an expenditure of £2,000,000, and upwards, for military fortifications in a country which they had but little chance of holding for any long period of time ? There was a committee at this moment sitting upon the state of the civil government, or rather misgovernment of Canada, by which the feelings of the population of that colony had been alienated, and which feelings would prove the best of all fortifications. That committee were at present engaged in an investigation as to the best means of allaying the discontents existing in Canada ; and why not wait for its report, before the house was called upon to pledge itself to such a vote as this ? With regard to the works, the two at present under consideration had been most ingeniously selected by the right honourable gentleman. It was difficult for him, (Mr. Stanley,) an un-

professional man, to enter into the question of the necessity of these works. It was said by the right honourable gentleman, that they were required as a defence against an enterprising enemy, who should happen to have the command of the sea—why, all these works would afford no defence against such an enemy, and under such circumstances. The right honourable gentleman contended for the necessity of the works at Kingston. How did they maintain their superiority in the late war on that station ? What were the Americans doing at Sackett’s Harbour, which was on the opposite side ? They had dismantled all the works there, and they kept their resources by them, until they should be required to assert their naval superiority on that station in the next war. The fact was, that when the two millions and a half should be expended on these works, the line of defence would still be imperfect. The honourable member here referred to the expenditure for the works at Montreal and Niagara, and read an extract from the evidence of the Duke of Wellington, in which his grace said, that if he were to choose between the works at Montreal and at Niagara, he would prefer that the latter should be erected. The honourable member proceeded to contend, that these fortifications were perfectly unnecessary, seeing that these colonies in the

last war, unsupported by this country, had been able to defend themselves against any invasion which could come from the United States. For his part, he did not entertain much dread of an invasion from that quarter. The United States supported no standing army for the purpose of invasion ; and a militia, though admirably adapted for defence at home, was not a force adapted for invasion. Indeed, the most distinguished statesmen in America were of opinion that their territory was, even in its present state, much too extended ; and the United States would scarcely invade Canada, except with the view of annoying Great Britain. Under all circumstances, he did not think that an invasion on the part of the United States was to be dreaded. He should oppose this vote ; as the house, by agreeing to it, would give its sanction to a further expenditure of £2,500,000 in the erection of works, which were, in his opinion, perfectly unnecessary.

“ Sir E. Owen contended, that it was probable, that, in the next war, the United States might invade Canada, and that these fortifications were necessary to defend the colony against such an invasion. With respect to the difficulties experienced in the naval warfare in the last war, they arose entirely from the deficiency of transports, for which an immense sum was required at the time, and by which

alone the province had been saved. Yet notwithstanding the large sums which were expended, there was a waste of one half of the stores. Indeed, Sir G. Prevost was so strongly impressed with the difficulties attending the transport of the stores, down the stream, that he represented and urged the necessity of a canal of this kind. In the late war, it took a fortnight to transport the stores, &c. from Montreal to Kingston, in boats which did not average beyond two tons each ; and if a canal were made, that transport could be accomplished in four or five days. No one, he fancied, would deny that a fortification was necessary at the dépôt where the transports, upon such a canal, would discharge themselves. The gallant member stated, that the Americans, in descending the river during the last war, and being prevented by the rapidity of the current from re-ascending it, were, upon their landing, beaten in detail by our troops ; and hence, he argued, that a canal and a line of fortifications were required along the river to facilitate the conveyance of the troops and stores in the next war, and to enable the colony to defend itself successfully against invasion.

“ Mr. Maberly, said it was necessary for the house to consider what had been the expense—what was the present expense—and what was likely to be the expense, of these works. They were called

upon to vote £41,000 for the Rideau canal, the expenditure upon which had already amounted to £87,000, and the sum required to complete it amounted to £440,844, making a total of £527,844. Then the expense of the first class of works was estimated at £533,000, and that of the second class at £528,000, which in addition to the estimate of £798,000, for fortifications, made a total of £2,386,844. The grand total, in fact, which would be necessary for the completion of these works might be stated at not less than 3,000,000, sterling. The duke of Wellington said that the defence of these works, when finished, might be maintained by 10,000 men. He (Mr. Maberly) had talked with military men, who said that double that number of men would be required for their defence. The house should therefore bear in mind that whenever those works were completed, the government would call upon the house to grant double the number of men contemplated by the duke of Wellington; and they would be told that unless they agreed to the estimate, the enemy would take possession of the works. Had they, he would ask, any certainty of holding Canada? Would any one guaranty to them more than forty years' possession, at the farthest, of these colonies? In a commercial point of view, the possession of Canada was, he conceived, a

loss to this country. They could obtain timber much cheaper from other parts of the world. He trusted the house would not come to a vote on this occasion, which would only lead the way to an expenditure of upwards of £3,000,000.

“Mr. Stanley called upon the government to say whether they would not follow this up with other estimates; and whether or not the present expenditure on the works in Canada, if sanctioned by a vote of that house, would not be followed by further expenditure there?”

“Sir H. Hardinge said, the expenditure required at present for these works was comprised in the vote before the house. A great deal had been done in them. He could not at the moment say, that if £900,000 were expended, that £300,000 more would not be necessary to make the line of defence more complete. These two works were considered of such importance, that they were selected by the duke of Wellington in 1826, and he (Sir H. Hardinge) had orders from his grace, who was then master-general of the ordnance, to bring them forward in the estimates, and lord Liverpool sanctioned the proceeding. But the duke of Wellington was sent to Petersburg, and they were consequently suspended. The gallant officer read a minute of his grace the duke of Wellington, dated the 10th of June, 1826, in which his grace expressed his concurrence

in the instructions given to the officers who had been sent out to survey the works : and he adds, that nothing of course would be done in the military works, until the whole had been laid before parliament and their assent obtained. He (Sir H. Hardinge) laid before the finance committee all the papers and documents connected with these works, and no concealment whatever had been practised on his part.

“Mr. Robinson said, that after hearing the explanation of the gallant general, he was not content to give his vote for this grant. He now believed that the present vote would involve at least an expenditure of 200,000 more ; the sum to be expended was clearly indefinite ; and he therefore felt it his duty, under existing circumstances, to vote against the estimate.

“Lord John Russel said, that the right honourable gentleman had said that a great deal would be done by the present sum, but he did not say that a great deal more would not be required to be done. He was therefore not surprised that the honourable member opposite should have been dissatisfied with such an explanation. It was hard that the house should be called upon to come to this vote at such a late period of the session ; but certainly part of the fault lay with the finance committee. Having examined the subject in all its bearings, they left it to the house to decide the question. If

that were the result at which they arrived, it would have been better that it had been made known to the house some months earlier. He was rather surprised that the right honourable secretary for the colonies had evinced no disposition to enter upon the subject. It would be much better, in his opinion, if the right honourable gentleman, who was the organ of the noble duke at the head of the government, would defer this part of the estimate until next year. Gentlemen would thus have time to consider of it, and the representatives of the people might come down in the ensuing session, to state whether they were willing that government should incur this enormous expense, at a time when the finances of the country were labouring under such heavy burdens.

“Mr. M. Fitzgerald could not consider this subject in any other light, but as involving the general question of colonial policy. Some individuals looked upon colonies as nothing more than a mere matter of calculation, a matter of pounds, shillings, and pence. He did not mean to enter into a dissertation on the great importance of colonies to the parent state ; but he would assume, that it was expedient that this country should do every thing that appeared advisable to retain Canada—a position the truth of which would appear to any person after a little reflection. He could

not look at the proposition now made, without coupling it with the security and extension of British commerce, which it ought to be their first object to preserve. In his opinion, Halifax was a very important station, presenting great local advantages, and well calculated to give a preponderance to our naval power, and, consequently, to our commerce in that part of the world. With respect to the fortifications on the upper lake, if money were laid out there now, it would do away with the necessity of expenditure to an aggravated amount at a future period, and would, perhaps, be the means of preventing future wars; for if they were enabled to navigate vessels of war up the canals, the Americans, he was convinced, would never again be able to contend on equal terms with the British on lake Ontario. Under all the circumstances, he certainly should vote for this grant; and he trusted that means would be taken to secure the affections of those colonies generally.

“Mr. Labouchere said, no person was more certain than he was, that it was impossible to keep Canada, without possessing the entire and cordial affections of the inhabitants; and while those affections were devoted to this country in the manner they had been, he would be the last man in that house to consent to abandon the country or

the people. In the event of a war with America, which, though he did not think probable, he was bound to view as possible, it would be found that they had laid out the money now called for most economically. He wished this country to remain on friendly terms with the United States of America, and, therefore, he thought it unwise to hazard that friendship by leaving Canada a tempting and inviting object for invasion.

“He certainly should support not only the present, but all future votes of the like nature. This country would not be acting fairly and justly to Canada, if protection were not extended to her; and when he spoke of British protection, he meant effectual protection. When he said he would vote for the present and future grants of the same nature, he gave that pledge with this condition,—it was, that efforts should be made, and made immediately, to give to Canada a strong, an efficient, and a conciliatory government; and that a complete change should be made in the system of disorder and misrule which had too long prevailed there.

“Mr. A. Baring conceived this to be a most important question, and one upon which much of the conduct and fate of England for the next half century depended. Compared to the schemes they were now about to enter into for defend-

ing and fortifying the colonies of the Canadas, all the questions relative to the balance of power in Europe were as nothing. He did not say this with reference to the expenditure, important as that might be, but with reference to much of our future feeling and system of action. The arguments just addressed to them by the honourable member for St. Michael's, (Mr. Labouchere,) and the right honourable member for Kerry, were calculated very much to mislead the house from that calm consideration they ought to bestow upon the question. He did not think either that the right honourable gentleman (Sir H. Hardinge) had acted with the openness which usually distinguished him, in bringing forward this question. The cabinet of lord Liverpool decided that the matter was to be left to the sense of the parliament of the country; but he really thought that it had been introduced both at an improper season of the session, and in an improper manner. He conceived it to be much better to state these things fairly and openly, than by making them, as it were, by surprise, to attempt to hide the whole of the intention with which they were proposed. The estimate was found to be altogether about £2,300,000; but when they discovered the estimate to have an error of £160,000 instead of £500,000, he thought they ought to look with suspicion upon all; and he knew this much of

those estimates, as well as of the state of the Canadas, and the difficulty of working the ground except at one season of the year, that he would be very unwilling to form one of any company who took a contract to perform the work for three times the present estimate! He entreated the house, therefore, to consider that they were now about to vote a sum which would form a precedent for the expenditure of an enormous amount.

"This, too, was the very last time they would have an opportunity of making a stand against it. They were about to engage in the expenditure of an almost nameless sum, for the purpose of defending the government of this country against the people of the Canadas themselves, and against the attacks of an immensely powerful and rapidly growing enemy. In the event of a war of that kind, he conceived the contest to be quite hopeless, and it was because he thought so that he entreated the house to pause before it sanctioned the present grant. He thought the Canadas could not be preserved to this country, even if there was not an enemy close at hand, studying how to turn every little misunderstanding into a cause of disunion. If its frontier was only wilds and woods, he thought, however, this country could not keep the Canadas. He did not mean to say, that they could not keep them for 20,

or even 50 years ; but he was prepared to contend, that no colony of the kind ever could remain permanently fixed under European authority. If they looked at the principle which had governed all colonies, in either ancient or modern times, they must be satisfied that it was not in the nature of things to hold such a colony attached to the mother country. The state of the colonies of the Canadas was very different from those which contained a slave population dependent on the will of a few great proprietors, who looked to the mother country as their ultimate place of refuge and enjoyment. There were certain anomalies in a colony of that kind which made the case very different—but it was neither for the benefit of the one country nor the other, to go on wasting their resources upon objects which must be totally impracticable. The right honourable gentleman (Mr. Fitzgerald) had ridiculed the idea of making the question of colonies one of pounds, shillings and pence ; but he really did not know how else, except in that way, colonies were to be looked at. They were supported, he believed, by the mother countries, purely on account of their commercial advantages. The honourable gentleman then referred to the colony of New South Wales, in illustration of the principle, and contended, that it was im-

possible for any man to say, that that colony, when it came to count its millions, would be content to receive its governor from England. They might be proud of having extended the laws, and language, and customs of England to distant regions ; they might be proud of propagating the principles of Christianity—a consideration greater than all ; but it was contrary to the nature of things to suppose that a colony, when it knew its power, would consent to be governed by countries so distant, and so widely separated from the governed. But in what state were these colonies ? They had from one of them more than ten thousand petitions to the king, complaining of the bad government under which they lived, and from Upper Canada an equal number of petitions had been presented to the same effect. These petitions were presented, not because the people were at all disaffected, but because they felt that they were ill governed. They felt that they were governed by persons who did not understand the position in which they were placed—by persons who, on the moment of their arrival, were anxious to introduce church and state discipline amongst them. All this might have been done with the best possible intention, as he had no doubt it was ; but it was done under mistaken notions, misguided feelings, and national prejudices. Let them

for a moment reverse the state of things. America was now growing into a state equal to this country—she possessed power, and she felt that power increasing. Suppose, then, for a moment, that persons from Washington were to be sent over to govern the different districts of this country. They would, of course, come here imbued with all their national feelings, and national prejudices, and altogether unacquainted with those of this country. How, he asked, would such a government be relished by the people of England? This, however, was the case of the Canadas at this moment. He would, in support of his argument, read a single phrase from one of the petitions from Canada, signed by persons perfectly well affected towards this country; but if it turned out otherwise, then the case was hopeless. He would take the argument either way. The passage to which he alluded ran thus: “The governor, alike negligent of the preservation of the public money, and prodigal in its expenditure.” This was contained in one of the reports presented from one of our great colonies, when speaking of its governor. When this subject was agitated before, they were told that Lord Dalhousie was so excellent a governor, and so well beloved, that he was about to be appointed to some more important government in another quarter of the globe. This might be so; he did not pretend to deny it; all he meant to say was, that he was ignorant of the habits and feelings of the people; and what did this prove? That discontent and discord must arise from any distant government of such a colony. He had much rather have heard it said that the noble lord was an inefficient governor—that he was about to be sent home, and never employed again; and that another governor was to be employed in his stead, who would remedy all the evils caused by his misgovernment. In such an event there would be some hope, but at present there was none. In his opinion it would, under all circumstances, be most advisable to call the colonists together, and to part with them altogether, but as good friends. If they did this, they would derive much more advantage from it than they possibly could do by retaining them. Let the house but remember the expression of Mr. Jefferson, when the conquest of Louisiana was contemplated—“When the cherry is ripe, and ready to fall, you have only to open your mouth, you need not shake the tree.” The honourable member went on to contend, that this country could not long retain possession of Canada; it was a long narrow strip of land, into which, from its woods and morasses, it would be impossible to introduce a dense and thriving population, as

was contemplated by the honourable member from Newcastle, (Mr. W. Horton.) Under all these circumstances, he felt bound to oppose the resolution.

"Sir G. Murray had listened with the utmost attention to what had fallen from the honourable member for Callington, as he always did upon every occasion, but more particularly upon questions connected with America. He wished the honourable member had gone a step further, and informed the house when this system of the abandonment of the Canadas had been commenced. The honourable member had told them his views with respect to New South Wales; perhaps he would add the period to which we might retain the cape of Good Hope, and from thence proceed to the East Indies. He should be sorry to think that this country had so soon forgotten her triumphs, that we should shrink into our shells, and assume a position which would render us contemptible in our own eyes, and degrade us in the eyes of Europe. He admitted that America had become a great and flourishing nation; but this country should recollect its own acts during the late war, and it would find that it was still in a situation to defend its colonies. He did not contemplate a war with America; on the contrary, he felt that a state of peace was best for both nations; but as one

honourable member had alluded to a claim lately made by that nation to a small piece of territory bordering on New-Brunswick, he felt called upon to say a few words upon it. That claim would, he had no doubt, be settled amicably, and without anything approaching to a war. An honourable member had described America as a most ambitious and growing state, and added that this country would be unable to defend the Canadas against that state. But the honourable member ought to recollect, that we defended the Canadas a few years ago, and that under circumstances of disadvantage not likely to occur again. Difficulties had, no doubt, arisen in those colonies, but so there would in all countries having free institutions. A committee had been appointed to inquire into these matters, and the government would not be slow in adopting the remedies pointed out to them. With respect to the fortifications, the committee had been told, that if they proceeded to execute a part, they must execute the whole of them. Now this was not so. The works at Halifax were altogether separate from the works in Canada; and it was the wish of government to preserve the harbour as a safe rendezvous in Nova Scotia for our fleets, when disabled by storms, or other circumstances. Surely, honourable members would not wish to aban-

don that safe and convenient harbour, in which our vessels might refit with safety. He called upon the committee to support the works at Kingston upon the same grounds.

As to the power of our navy, he had only to observe, that at the conclusion of the late war we had a fleet much superior to that of the enemy, although that war was commenced under every disadvantage on our part. As to the Rideau canal, he considered it a subject of great importance; and though it had been alluded to by an honourable friend of his in a commercial point of view, yet its immediate objects were of a military nature; it was, in fact, proposed with a view to obviate the inconvenience of navigating the river St. Lawrence, which was exposed to attacks of the enemy from the opposite shore. That canal would afford a ready and easy conveyance of stores, which must otherwise be transmitted at an immense expense. On a former occasion, the carriage of a 24 pound cannon from Montreal to Kingston, cost from 150 to £200. The carriage of a 76 cwt. anchor cost £176; and when government sent out two vessels in frames, the carriage of one of them, a brig, from Montreal to Kingston, cost the country £30,000. The right honourable gentleman concluded, by calling upon the house to decide whether they were ready to aban-

don these colonies, or preserve them with that high spirit and independent feeling which this country had hitherto manifested.

“Mr. Warburton agreed with what had fallen from the honourable member for Callington, and contended that the arguments of the honourable member had received no answer from the right honourable secretary for the colonies. He felt that the proposed grant was a prelude to the expenditure of £2,800,000 in the Canadas, and, therefore, he should oppose it. The real way to protect and conciliate our colonies, was, not by introducing church establishments, and foreign discipline amongst them, but by consulting the wishes and feelings of the people. As the colonies were an expense rather than a benefit to this country, he should vote against the measure.

“Lord Howick must remind the right honourable gentleman, that if this question was discussed only in conjunction with that of the present state of Canada, it was the fault, not of the members on the opposite benches, but of those whose conduct rendered such a discussion at all times necessary. He thought, too much was required from parliament under present circumstances, for the ministers wanted the committee to do that which would amount to a pledge that they intended to keep the British empire in North Ame-

rica at all risks. He thought parliament ought to pause before it made any such determination; which, if it could be effected, must be at an immense expense, but which might be attempted only in order to be defeated. He was fully convinced that all our colonies must, in the lapse of time, outgrow our empire over them. We must, therefore, be prepared for the dissolution of our connexion with Canada; but we ought to prepare for that dissolution in such a way, that the two countries might separate on the most friendly terms; taking a lesson from our past experience in the same hemisphere, not to let the separation be attended with a war. He called on parliament not to fortify Canada, but by every means to prepare her to become independent. He thought the vote ought to be refused at the present moment—it was a matter of too much importance to be hurried over now; and he should, therefore, support the proposition, that it should be postponed till the next session, when the members of the government would have an opportunity of coming forward to state in detail what were their plans of future policy with regard to Canada. Till those plans of policy were clearly and fairly laid before parliament, he should certainly oppose either a definitive vote, or one which, like the resolution now proposed, would pledge the house to

further more important and more expensive measures.

“Mr. Huskisson then rose, and said, that although the honourable member for Preston had more than once referred to him in the course of his speech, he refrained from rising at an earlier period of the debate, because he wished, before he came to decide upon the present vote, to hear it defended by some competent authority, who would be capable of proving the necessity which existed for those works, to which the vote had reference. He was happy to say, that he found the authority for which he sought in the speech of the honourable the colonial secretary, whose explanations had perfectly convinced him of the necessity of this vote. He (Mr. Huskisson) owned, that, notwithstanding his late connexion with the colonial department, he was, in a great degree, ignorant of those details of which he had wished to be informed, and of which the several items of expenditure included in the present vote formed a part. He could not be brought to agree, that the United States of America were not ambitious of possessing new territories; and of all the British settlements which those states were desirous of possessing, he felt assured that the Canadas formed the first object of their ambition. He conceived that the genius of that great and rising nation turned, perhaps naturally, in pursuit

of objects by which to increase its strength and power; and he believed the ambition which prompted America, in the year 1812, though perhaps it might be said to lie dormant now, was, nevertheless, ready to be called into action on the first occasion. The house should recollect, that but for the defenceless state of the Canadas in 1812, that aggression which cost this country so much of its best blood, and so much of its treasure also, would never have taken place. Were we not wise, therefore, to provide against a similar aggression, by adopting those precautions which wisdom and sound policy dictated? When the enormous expense incurred in conveying arms and military stores from one part of Canada to another was considered—when it was calculated, that in time of war that expenditure amounted to nearly £1,000 per day, it was surely a measure of the soundest and wisest policy, to adopt that plan by which not only those expenses would be lessened, but the country fortified against invasion. The question was this, shall England undertake to provide against future aggressions in the Canadas, by rendering them capable of defence, or shall we give them up at once, with the loss of our national character and honour, and overlooking those sacred duties, which, as a parent country, we owed to a tried and faithful people. If we deter-

mined, as surely as it became our station in the rank of nations to do, to defend the Canadas, we ought, in the first place, to consider whether that defence should be undertaken with every fair prospect of success, or whether we should, by a niggard vote at present, not only render that success doubtful, but increase the expense which it shall cost us at least tenfold? The whole question amounted to this—Were we, if a struggle should again occur, to run the risk of losing the Canadas for ever, or would we, at a much less expense, secure them? The honourable member for Callington spoke of the certainty of losing the Canadas, and, in fact, all our foreign possessions, in the course of time, and in the natural order of events. Without endeavouring to combat a doctrine which was undoubtedly founded on the history of past ages, and the wisdom of experience which this history included, he (Mr. Huskisson) might just be permitted to observe, that the question at present appeared to be, not whether the Canadas should be ours in one hundred years to come, but whether they should continue in our possession, or become part and parcel of that immense and overgrowing republic, whose ambition was as unquestionable as the means to accomplish it were great and formidable.

“He, for one, would say distinctly,

retain our possessions at any cost. Indeed, so deeply was he convinced of the necessity of pursuing this course, and so all-important appeared to him to be the question, that, looking to the immense advantages which we were either to gain or lose for ever, according as we pursued a wise or evil policy, if he could be positive that the amount of the present vote was to be expended with the positive certainty that fifty years to come—not to speak of one hundred—the Canadas was to be free and independent, he yet would not hesitate as to the course he should pursue, but would as certainly give his vote, under such circumstances, as he was prepared to give it now; and for this reason, that if the Canadas were, in time, to throw off the control of the parent country, their independence ought to be achieved by the growth of national honour, opulence, and population—and, above all, let their independence be effected rather by the course of natural events, than by any premature and unnatural separation. If they were to become independent by the growth of their own resources, let us learn this lesson of practical wisdom, not to encounter a ruinous war in endeavouring to regain them. If the time for separation should, at last, arrive, let it be like the severing of the members of the same family, who, long united by the ties of blood and affection, found it at last necessary to part, but with the kindest wishes for each other's welfare. Let it be such a separation, that instead of alienating, would strengthen the foundation of those feelings of mutual good will, which arise from the consideration of family and blood. Apart, therefore, from all considerations of the duty which interest, or commercial advantage, or power, or the consideration of patronage—a consideration which some honourable gentlemen had thought fit to introduce into this debate, notwithstanding that it was a consideration wholly unworthy to be mixed up with such a question;—independently of all those considerations, he would say, let the Canadas be ours as long as we are in a situation to retain them, as long as their loyal people shall claim our protection; and if, in the course of time—as who shall say that our connexion shall be eternal?—if, in the course of events, a separation shall take place, let the country to which we were once united, and from which we parted with regret, be one to which, in our mutual necessity, we might look forward to each other for support and assistance. Entertaining these views, he should certainly support the present vote. He hoped that the grounds of irritation, which he had admitted existed in Canada, would soon be satisfactorily explained away. He thought

that the Canadians had some cause of complaint, particularly with reference to the allotment of the lands, which too much resembled a chess board. He thought that after forty years' possession, those millions of acres should be better allotted, and more advantageously cultivated. He felt assured, that any irritation which might exist in Canada, was but temporary, and that no wish existed there to shake off the control of England. He should, indeed, regret if a contrary feeling existed; and he hoped that Canada would never again become the theatre of attack and aggression, and the object of ambition to the United States of America. He trusted that when those works were completed, which were the objects of the present vote, that the peace and security of the Canadas would be placed upon a lasting foundation, so that whenever a separation should take place, the Canadas might not be annexed to the United States, but be free and independent.

"Mr. Hume denied that his honourable friend, the member for Callington, was desirous of placing the Canadas within the grasp of the United States, or that he was anxious to cut off our connexion with those provinces. His honourable friend had not expressed himself to that effect. He merely wished the house to pause, before it sanctioned the present large vote,

when it was quite obvious to any thinking man, that a separation of the two countries must in time take place. The honourable member then went into an estimate, proving that the proposed fortifications were uncalled for, and ill advised. On these grounds, he conceived that his majesty's government ought to postpone this vote until the next session, and that then the ministry should come down to parliament with their minds made up, as to the manner in which they proposed to legislate for those colonies.

"Mr. Secretary Peel would be sorry to suffer the important question raised by the honourable member for Callington, to pass without some remarks, as to the issue on which he had put it. The honourable gentleman had argued the question as if the house had only the choice of two alternatives, either to vote this sum for the defence of the Canadas, or to abandon them altogether. That was the fair and distinct issue on which the honourable gentleman had stated the question. It was clear, that if the honourable gentleman was not prepared to abandon the Canadas, his whole argument was conclusive in favour of the vote.—The honourable gentleman himself said, "don't disregard the Americans. They are not inattentive to military science. They are training up their youth to arms; and they have an extended frontier for

some thousands of miles adjoining these colonies." If that was true, was it not wise, in time of peace, to make timely preparation for an economical and effectual defence? The honourable gentleman himself must admit, unless he was prepared to recommend the other alternative—that of abandoning the Canadas—that the most economical mode was to assist the physical strength of the population by some system of fortification. But he, (Mr. Peel,) would ask, could this country abandon its colonies? This was not a question to be decided by considerations purely of a general nature. He must say, that while he admired the eloquence and feeling of the honourable member for St. Michaels, (Mr. Labouchere,) he was convinced that the honourable gentleman's sentiments were perfectly consistent with the soundest policy. His advice was, "redress the grievances of the colonies. Attend to their just complaints. If there be defects in the act of 1791, apply a remedy. But, as they have faithfully stood by you in the hour of danger, do not abandon them now." Though considerations of feeling were not alone to determine this question, they were not to be disregarded. He begged the house to consider what would be the effect produced on the other colonies, if this country were to abandon the Canadas. If they saw the weighty power of this

country shrinking into narrower dimensions, and used only for selfish purposes, what conclusion must they form? He had often seen, with regret, a disposition shown to underrate the value of our possessions abroad. He would be sorry to see this country, on any course of abstract reasoning, or political philosophy, make the experiment of trying the effect the loss of the colonies would have on the strength of the empire. Besides, he must ask, in what way would they make the experiment of abandoning the colonies? The honourable member for Aberdeen had never openly proposed to abandon them altogether, but he had talked of sounding their feelings as to a separation. To any such course he (Mr. Peel) could not consent. If they were prepared to abandon the colonies, let them make up their minds, and notify their resolution; but he would be ashamed that parliament should say to the colonies, "do you exercise your discretion as to this question? Do you give your voice, whether, having been united for better and worse, you should not agree to the divorce we now propose?" It would be infinitely better for this country to make up its mind, than thus to destroy the affectionate union with our colonies. But he did not see on what principle we could abandon the colonies. We had rescued them

from the country to which they originally belonged, and they had been perfectly faithful. There were dissensions, it was true; but they were, perhaps, inseparable from the connexion with the mother country, and from the constitution of all free countries; but in fidelity and loyalty they had been absolutely incorruptible. Was it, then, for the character and honour of Great Britain, to signify to her colonies that she was to abandon them, as a burdensome connexion? Was she to tell them, that on account of the danger of their being attacked, their defence would be too onerous for her, and, therefore, she proposed to dissolve the union with them? But how were the sentiments of the colonies to be ascertained? One honourable member suggested that we should summon all the leading persons of the provinces, and leave the question to their decision. But if there was any one distinct country now able to form an independent government, he much doubted whether it would be strong enough to maintain itself against the American United States. This was a proposition, therefore, to which he listened with reluctance. Again, he would ask, was this communication to be made only to the three provinces in North America, or, including Newfoundland, he might say the four provinces? Was the proposition to be submitted to them all, or was it

to be confined to the Canadas? They ought to look practically at this question. What was to be done. Were they to propose that the Canadas should become separate and independent states? What chance was there that they would remain so, with a powerful neighbour like the United States by their side? As to New-Brunswick and Nova Scotia, they had shown no symptoms of desertion. Why were they to be abandoned? Was the proposition to be made to Newfoundland? Were we to abandon to the North Americans the possession of the fisheries on the coast of Newfoundland, and give to the United States, or any other country, the advantages we now derived from that source? He again called on the house to look at this case practically, and make up their minds upon it. He was ready to concede that the time might come, when this proposition might be carried into execution. But, at present, he would ask, whether the population, and natural strength of these colonies, were such as would enable them, in case of war, to resist the aggressions of the United States? Were the population now sufficient to defend themselves against such an enemy? If ever they do form an independent government, said the right honourable gentleman, God grant the dissolution of the connexion may be an amicable one! But, I contend,

that, looking forward to the time when they may amicably separate from us, it is by no means certain that this money to provide them with adequate means of defence will be ill expended. If we were to constitute them into a small independent state, and small it would be as compared with the United States, I should not regret the expenditure this country may incur, by forming this line of communication behind the St. Lawrence, and establishing an efficient fortification against invasion. These considerations induce me to think that we ought not to sanction this proposition, either in point of feeling, as it affected our other colonies, tending as it does to dissolve the charm of affection which now unites them to the mother country; nor do I think that it would be politic or just, to propose the question of separation to the colonies themselves. I would infinitely rather that it should be submitted to them as a definitive proposition, than as a question to be invited by themselves. The right honourable gentleman then contended, that it was quite unfair to represent this work as entailing enormous expense on the country. It was uncandid to make such statements, after government had laid before the house, and the finance committee, all the information they possessed, in order to prevent any misconception as to their intentions. It was per-

fectly true, that if the whole plan were carried into execution, the total expense would be two millions and a half; but the finance committee had drawn the clear distinction between completing the first line of fortification, and the two other lines. When the commission of military officers were sent to Canada, they suggested everything they thought necessary to the defence of the colonies; and though it was not desirable to follow their suggestions, it was perfectly right, he apprehended, to lay them before the committee. But he would destroy this argument of the two millions and a half, by saying, that government did not consider that house pledged to a single shilling beyond what his honourable friend had asked for, namely, £30,000. The sum would be appropriated exclusively to the fortifications at Kingston and Halifax, and not a shilling would be applied to the plan of the military commission. It was for these two fortifications that he vindicated this grant; and if not a shilling, he would repeat, should ever be expended on the line marked out by the military commission, many advantages would be gained by putting these two fortresses in a fit state of defence. Independently of the Rideau canal, the only sum to which the house would stand pledged was this of £30,000. The position of Halifax accounted for the importance of making it defen-

sible ; and Kingston was a station of equal importance in case of a naval war.

“ The honourable member for Preston had stated, that the United States had great natural advantages as a neighbour. That was the reason why this country should secure every advantage it could to the Canadas, and particularly that of a naval harbour on the lakes, like Kingston. Looking at the expenses of the late war, he found, that in one campaign the expense of carrying the munitions of war amounted alone to £330,000, as much as was asked for completing those two fortifications. He deprecated all notions of war, for he believed the true policy of this country was peace, and he trusted we should never go to war but for the maintenance of our honour, or in defence of some essential interest. Still, it was most desirable to be prepared for war, and, therefore, he should vote for this grant, as he did not consider the abandonment of the colonies consistent with sound policy.

“ Mr. Baring said, the right honourable gentleman had treated his suggestion as a proposition for the abandonment of the colonies. Before the house entered upon the consideration of that question, it would be necessary to look attentively at the state of Lower Canada, where the governor had refused to sanction the nomination of a

speaker by the house of assembly, and where eight militia colonels, selected as in this country, for their property and respectability, had been dismissed by one proclamation for disloyalty. Meanwhile, the governor was disposing of money from the public treasury without the authority of the assembly. That was the condition of Lower Canada. The case of Upper Canada was nearly the same. There were constant dissensions in the legislature ; and the government was frequently in a minority of two and three on the most vital questions. When this was the case, he thought this a proper time to say to these colonies—“ Somehow or other we cannot go on in a friendly way. With the best intentions we send out to you the best possible men ; but you cannot agree. Is it not better that we should separate ?” Yet his suggestion was treated as if it were the proposition of a hostile abandonment. If the battle was to be fairly fought, the house should at once vote the whole two millions and a half ; and the house might be sure that battle must be fought the first time this country was involved in difficulties in any other quarter. As far as the military case was concerned, he believed the whole plan unnecessary ; and he believed it would be really a measure of economy, if we were engaged in a serious war there, as we should be the first time

we were at war with Russia or France. There were two thorns in the side of this country—Ireland and the North American states. If we had a strong and united government, both these thorns might be removed; but he had no present hope of seeing this riddance. He contended, that it was the interest of the king's government, not to shrink from their duty, as the right honourable and gallant officer (Sir G. Murray) did, when he was horror struck at the idea of New South Wales becoming independent; but to declare to the colonies, and to the world, the principles on which separation was desirable for both the mother country and her dependencies."

The committee then divided.
The numbers were—

For the amendment,	51
Against it,	126
Majority against the amendment,	75

The original resolution was then agreed to.

The next item was £135,000, to defray, for the year 1828, the expense of the canals between Montreal and Kingston, which, after some conversation, was agreed to.

An influential journal, in advertising, at the time, to the expense of the proposed works, exclaimed; "Could we not sell the Canadas to the United States? We might save these three millions, and perhaps get five millions more!"

At the next session of Parliament, (1829,) the statement that 5000 men were to be employed, in North America, of whom, 3000 were stationed in Canada, gave rise to a debate, in which the minister for colonies again took part. "It was said," Sir George Murray observed, "that there ought not to be any increase of force, with reference to the safety of the Canadian frontier. Now, he willingly supposed that the United States had not any hostile intentions towards Canada; but he still thought, considering the great and rising power which America presented, it would be highly unwise to diminish the force upheld in the neighbouring frontier." The difficulties that had occurred between the governors and legislatures, in Canada, he ascribed to the system in operation there, and not to the individuals at the head of the local administration.

During the administration of Lord Liverpool, instructions were sent, by the colonial secretary, Lord Bathurst, to the governors of the West India islands, proposing many reforms in the condition of the slave population. In the islands where no local legislatures existed, they could be put in execution, at the command of the crown. In Jamaica, however, it was necessary that they should be passed upon by the colonial parliament. This body, entertaining

different views from the government at home, on a subject, to them, of the most delicate nature, did not comply fully with what was required. The law which they enacted was accordingly rejected by the crown, and as the governor was forbidden to assent to such a bill as the assembly was willing to pass, none of the projected improvements were carried into effect in that island.

Ameliorations in the condition of the slaves, had been proposed, by encouraging marriage, preventing the separation of families, receiving the testimony of slaves, under certain circumstances, establishing a system of manumission, and placing the rights of those retained in slavery, under the protection of an officer, specially appointed for that purpose. Many provisions, recommended to the legislature, had been incorporated, though in a form more or less modified, in the law, that had been disallowed in England; but it appears, from a despatch of Mr. Huskisson, of the 22d of September, 1827, that the great objection to the Jamaica statute, was the restraint imposed on dissenting teachers. "I cannot," says the secretary for the colonies, to the governor, "too distinctly impress on you, that it is the settled purpose of his majesty's government, to sanction no colonial law, which needlessly infringes on

the religious liberty of any class of his majesty's subjects."

The general views of government seem to have undergone no alteration by the change which took place, during the following session of Parliament, in the person intrusted with the chief direction of the colonial department. Sir George Murray availed himself of an early occasion, after his entrance into office, to declare his intention to pursue every practical plan of reform in the West India islands; and he even ventured to express the hope that the time would arrive, and at no very distant period, when there would not be a slave within his majesty's extended dominions.

The system adopted, with respect to the British empire in India, is of the most extraordinary character. There are from a hundred to a hundred and fifty millions of persons subject to the government of a company of merchants, whose functions are partly political and partly commercial. In the former, they are, however, regulated, to a limited extent, by the powers vested in the board of control, named by the crown, and the president of which is a cabinet minister.

As the charter of the East India company will expire in 1834, its privileges, so far at least as they directly affected the interests of the

British public, began, in 1829, to be a subject of parliamentary discussion. It was said, that India was competent to supply all the articles that America could furnish; and that in bringing rice, cotton and tobacco, from that country, two hundred thousand additional tons of English shipping might be employed. To do this, however, it was necessary to open fully the India trade to private enterprise. Previous to 1814, the commerce with that country was a strict monopoly in the hands of the company. By the act of 1813, the general commerce with India was opened to British merchants, subject to certain restrictions; but the trade with China, including the tea trade, was, as theretofore, confined exclusively to the company. Private ships were not even allowed to go to China, to freight for parts of the world other than England. It was said, that in the preceding year, eleven

ships belonging to the United States, came into the Thames, were loaded with English goods, sailed for China; from whence, after having made a profitable market, they went with their return cargoes where they pleased. The trade between China and the continent of Europe, in which tea is exchanged for manufactured products, it was further stated, was, carried on principally by the Americans. The good effects of a free trade with India, were inferred from the advantages that had attended the partial opening of it to private merchants. In 1814, the British exports to countries beyond the Cape, were only in value £1,600,000; while in 1828 they amounted to £5,000,000. The chancellor of the exchequer promised to afford the house a full opportunity of going into an investigation of this subject, at their next session.

The first of these is the fact that the
 government has been unable to
 maintain a stable currency. The
 value of the dollar has fallen
 sharply since the war, and this
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CHAPTER VIII.

France.—Creation of new Peers—New Ministry—Opening of Chambers—Parties in the Chambers—Choice of President—Discussions on King's Speech—On Post Office—Electoral and jury lists—Foreign Relations—Freedom of the Press—Charges against the late Cabinet—Public instruction—Clerical education in France—Budgets—Account of the Session—Recall of Troops from Spain—Expedition to Morea—Situation of Ministry.

THE civil history of France, presents us with many revolutions in its internal administration, of a character, similar to those to which we have adverted in our summary of English affairs.

We concluded our account, in the last volume, with the dissolution of the chamber of deputies, and the elections consequent on that event. This appeal to public opinion, resulted in the entire discomfiture of the Villèle party. The decree, which put an end to the old chamber of deputies, was accompanied by another, well calculated to alienate all the disinterested electors, that still remained attached to the ministry. The right of making peers at pleasure, is an undoubted prerogative of the crown. When, however, it is exercised for the purpose of effecting a political object, in a monarchy limited by the power of the legislature, of which these

peers are to form an integral part, the spirit of the constitution is clearly violated. The case of the creation of twelve peers at once, which occurred in England, in the reign of Queen Anne; would be an unfortunate precedent to adduce at the present day, even in the country in which it had its origin.

By one ordinance, seventy-six peers were, on the 5th November, 1827, added to the upper house of the French legislature. Many of these new lords were obscure individuals; some of them were taken from the lowest order of the provincial nobility; and want of hereditary distinction in the others, was only compensated for, by the entire devotion which, as members of the late chamber of deputies, they had manifested to the party in power. In looking over the names, we scarcely find any one, save that of Soult, calculated to recall the

recollection of honourable services, performed in the cause of the state.

To this long list, were also added, on the 4th January, 1828, the day they were dismissed from their ministerial functions, Messrs. Villèle, De Peyronnet, and Corbières. The distinction thus conferred on these members of the retiring cabinet, besides the usual one, of naming them ministers of state, and members of the privy council, was accompanied by an extraordinary provision, dispensing, in their favour, with the obligations imposed by the ordinance of 1817. By the ordinance in question, it was necessary for every person, raised to the peerage, to constitute a majorat, to the extent; in the case of a Baron, of 10,000 francs per annum; and of a larger amount, if the title was of a higher order; the capital of which was to be invested in the public stocks, or real estate, and to remain inalienably attached to the title.

On the partial dissolution of the Villèle ministry, the Count de la Ferronnays, who was an experienced diplomatist, and had recently filled the important embassy at St. Petersburg, was appointed minister of foreign affairs, in the place of the Count de Damas. The Count Portalis, whose father had been celebrated, and honoured in his legislative and professional career, and who had himself gained great credit with the liberals, by his report,

in the previous session, against the Jesuits, became keeper of the seals, and minister of justice, in the room of M. de Peyronnet. M. de Caux, a member of the chamber of deputies, was named minister of war, the office which the Marquis de Clermont Tonnere had previously occupied. To M. Martignac, who had held a subordinate office under the late ministry, and had defended them in the chamber of deputies, with much ability, was assigned M. de Corbière's post of minister of the interior.

The Count Roy, originally an advocate, was appointed minister of finance, but without associating with this place, as M. Villèle had done, the presidency of the council. He had been the predecessor of M. Villèle in the department to which he was again called, and after his retirement, had distinguished himself by his strenuous and effectual opposition to his successor's plan of converting the stocks, bearing a higher rate of interest, into three per cents.—a subject which, in 1824, was one of engrossing interest in the internal politics of France.

The department of commerce was erected into a separate ministry, and assigned to M. St. Cricq, who had been for several years at its head, as director general of the customs.

M. de Chabrol, minister of marine, whose moderation had made him popular with the former oppo-

sition, and who was reported to have disapproved of several of the measures of his colleagues, particularly the dissolution of the national guards, was included in the new arrangement; as was likewise Count de Frayssinuos, minister of ecclesiastical affairs. The department of public instruction was, however, taken from M. de Frayssinous, and raised to a ministry, to which M. de Vatissmenil, one of the six advocates general of the court of cassation, was appointed by an ordinance of 1st February.

Thus constituted, the ministers prepared to meet the chambers, whose session was opened by the king's speech, on 5th February.*

This document contained a general assurance of the amicable relations of France, with other European powers, and a hope that the independence of Greece would be achieved without further resistance from the Ottoman Porte.

The affair of Navarino, was alluded to, in language very different from that employed by the British king. "The unforeseen combat at Navarino," said Charles X., "has been at once, an occasion to give glory to our arms, and the most striking pledge of union of the three flags."

The intended evacuation of Spain, at an early day, was then announced, and it was declared, that the

blockade of Algiers should cease, the moment that proper satisfaction was received. With respect to the aggressions on the French flag, in the American seas, just reparations had been required, and measures adopted to protect French commerce for the future, against every injury.

The motives for separating public instruction from the ministry of religion, and establishing a new member of the cabinet in the person of a minister of commerce, were then explained. Assurances were also given, that measures would be pursued with wisdom, and mature deliberation, to make the legislation of the country harmonize with the charter.

In the upper house, the new peers, created by the ordinances of the 5th of November, 1827, and the 4th of January, 1828, were received without the agitation of any question, respecting the legality of their nomination. The address of this body, in answer to the king's speech, was a mere repetition of the royal words. It was adopted by 192 votes, to 15.

In the chamber of deputies, much difficulty was apprehended, from the singular combination of the parties, which had brought about the late political revolution. Common opposition to the Villèle ministry, had united the warmest ad-

* Public Documents, second part.

vocates of the royal prerogative, with those who were more than suspected of republican tendencies. In many of the electoral colleges, a party canvass had preceded the formal election, and the liberal, or the anti-Villèle royalist, was preferred by the coalition, according as the one, or the other, could exhibit the greatest display of strength, at the preliminary trial. When, however, the object of the combination was effected, there was every reason to suppose that irreconcilable differences on essential points, would prevent any fruits being reaped from the victory.

On their arrival in Paris, the members formed clubs, or *caucuses*, (to use a term, whose meaning will not be misunderstood in this country,) according to the different political complexions. The seats were also taken in the chamber agreeably to this principle; which, indeed, has always been the established usage in France, since the commencement of the representative government. The apartment in which the deliberations take place, is in the form of an amphitheatre. The moderate party occupied the centre, sitting towards the left or right, according as their tendencies were to enlarge the popular power, or the royal prerogative. The extreme left was the place of Lafayette, Benjamin Constant, and their associates; and

the opposite position, the extreme right, that of the ultra royalists.

Neither of the two principal parties, that of the extreme right, (*coté droit*,) or the one composed of the deputies of the left side, (*coté gauche*,) and left centre, (*centre gauche*,) with which, also, some of the right centre (*centre droit*) were associated, could form a majority of the house. The balance of power rested with a fraction of about thirty members detached from the right, (*coté droit*) and which included Messrs. Hyde de Neuville, Delalot, and other individuals of distinguished consideration.

Before proceeding to the election of the president, and other officers, the French parliamentary usage is, to assemble under the presidency of the *doyen d'âge*, or oldest member, and verify the powers of the different deputies. This proceeding, which occupied the chamber upwards of a fortnight, gave rise to long discussions, in which many illegal and corrupt transactions, on the part of the prefects and others, holding office under the late administration, were brought to light.

This preliminary business being disposed of, the 22d of February was fixed on, for the choice of the five members, from whom the king was, according to law, to select the president. The two leading parties had each their candidates; but as neither possessed an absolute

majority, and the negotiations with the neutral fraction had hitherto proved unsuccessful, the first balloting was without result. On the next day, however, the dissenting royalists having associated with the liberals, it was declared that M. Delalot, M. Hyde de Neuville, M. Royer Collard, M. Gauthier and M. Casimir Perier, had received a majority of the whole number of votes. The two first belonged to the small party, to which we have alluded; the three last were liberals. It was therefore evident, that Messrs. Delalot and Neuville, were indebted for their distinction, to the aid which they had agreed to furnish towards the election of their colleagues. The king, looking to the real force of the parties, and being probably dissatisfied with the course pursued by the dissenting royalists, deviated from the general rule, of naming the member who had received the highest number of votes, and made choice of M. Royer Collard. The popularity of this gentleman had been well attested, by the simultaneous selection which seven colleges had made of him as their deputy; and he had been distinguished not only, as one of the most able deputies of his party, but his name had long ranked among the celebrated French literati. Even at this moment, he retains the chair of Philosophy, at the Sorbonne, which is occupied by

the far-famed Cousin, as his substitute.

The liberals, to compensate their new friends for any slight that might have been intended, by the royal decision, chose the vice-presidents, secretaries, and other officers, almost exclusively from the small fraction. Before the discussion of the answer to the king's speech in the deputies, a further change occurred in the cabinet, by the resignation, on the 4th of March, of M. Chabrol, minister of marine, and of M. Frayssinous, minister of ecclesiastical affairs. Their port-folios were confided to M. Hyde de Neuville, and to M. Feutrier, Bishop of Beauvais.

M. Neuville, of whom mention has already been made as one of the chiefs of the new majority, is well known in the country, where he resided for many years, first as a private individual, and after the restoration of the Bourbons, as minister plenipotentiary, from his most christian majesty. He had been an ultra royalist, but after his return from the embassy to Lisbon, his course in the chamber of deputies was so violent in opposition to the last administration, as even to lead to the withdrawal from him of the diplomatic pension, to which the offices that he had filled regularly entitled him. The bishop of Beauvais was a prelate of great prudence and moderation.

The liberal party received fur-

ther accessions of strength from the new elections to supply the vacancies occasioned by the illegal returns set aside by the chamber, and by the choice which several colleges had simultaneously made, of the leaders of the popular party, who, in general, selected, as the places to represent, those departments in which the future triumph of their friends seemed the most doubtful. Among the vacancies thus created, were those of the deputies for six of the arrondissements of Paris. To secure success to the liberals, previous meetings were held, and a selection made from among the candidates of the party, of the one on whom it was agreed that the suffrages of all should fall. Those assemblies were immediately declared to be revolutionary, and to menace a return of the Jacobin clubs. The Paris elections were, of course, all favourable to the liberal side.

The deputies' address to the king, adopted on 8th March, was, in general, an echo of the speech to which it was an answer. It, however, contained this remarkable passage, which was not adopted till after a long discussion, and great opposition: "The complaints of France expressed our repugnance to the *deplorable* system, which rendered illusory the promises of the king." The sovereign, in his reply, sufficiently manifested the feelings which this extraordinary commu-

nication was well calculated to occasion, by observing that "His words were addressed to the whole chamber; and that it would have been extremely pleasing to him, if its answer could have been unanimous."

After the chamber was definitively organized, several propositions were made, calculated to produce discussions on the recent political occurrences. One of the first acts was the repeal of the resolution of the last session, establishing a commission to watch over the execution of the law respecting the press, so far as concerned the prerogatives of the chamber.

A proposition by M. de Conny, to subject all members of the chamber accepting office to a new election, gave rise to long and animated discussions. The resolution was referred to a commission, who reported in favour of its adoption, with an exception as to officers of the navy and army, who might be promoted by seniority.

In the chamber the measure was supported on the ground of being essential to secure a proper independence on the part of the representative, while it in no way interfered with the just prerogative of the crown. If a deputy accepted office, without violating those principles, the possession of which had procured him the confidence of his fellow citizens, there could be no inconvenience sustained from his

being again subjected to the scrutiny of the electoral urn. If, on the other hand, a representative of the people had, by the influence which the patronage of the crown affords, become the supporter of views, that his constituents did not approve, nothing could be more just, than that they should have an opportunity of replacing him by one whose opinions accorded with their own.

By its opponents, the proposition was inveighed against, as disgraceful to the members and to the French character, which was above all suspicion of being influenced by corrupt motives. It was also declared to be an attack on the dignity of the royal prerogative. Having, however, been amended, so as only to vacate the seat of the new functionary at the end of the session, during which he accepts office, the resolution was passed by a vote of 144 to 133.

But it was rejected in the peers, to whom it was communicated, by a vote of 210 to 41. The reporter of the commission in the upper house, in stating the reasons for refusing to recommend its adoption, repelled the argument which it was attempted to draw from the practice of England, by stating that re-election was there a simple formality, the government always having a sufficient number of boroughs at its command, to return any functionaries to Parliament,

who might be rejected by their former constituents.

The mode of transacting business in the French chamber differs from the English and American systems. The crown has the initiative of all laws, which may, however, be amended by the chambers, and again submitted to the approbation of the king. They are laid before the legislature by the ministers, or by commissioners named for that purpose, who have the right of speaking in both houses, though they may not be members of either. It is also competent for the chambers to pray the king to propose a law on any subject respecting which they may conceive legislation to be necessary; and it was in that way, that the discussion to which we have just alluded was brought forward.

In either case, before a matter is discussed in the chamber, it is referred to the *bureaux*, into which the chamber is distributed, from time to time, by lot, and by them to a commission, of which each bureau names one member, who is supposed to express the views of the portion of the deputies whom he represents. The *rapporteur* of the commission, corresponding with the chairman of a committee with us, brings the subject before the chamber, after which the general debate begins.

The same mode of reference prevails in the case of a petition,

and such latitude is given to this privilege of the citizen, that numerous memorials from obscure individuals, not on matters affecting their private interests, but on subjects of general policy, are constantly addressed to the chamber, and receive the disposition that has just been explained.

Among the petitions presented, at an early period of the session, one complaining of abuses in the post-office attracted considerable attention. It had long been understood throughout Europe, that a regular bureau existed in this department, as is, indeed, the case in the post offices of most other countries on the continent, for the examination of letters, with a view of ascertaining from them such particulars as might be of use either to the internal police of the kingdom, or lead to a knowledge of the secrets of foreign governments. During the latter part of the Villèle administration, it was also intimated, that bank notes, and other inclosures of value, had been taken from packets transmitted through the post office. These frauds were attributed to the demoralization introduced into the administration of this department by the deplorable example of violating the secrecy of private correspondence—an example which the director general was accused of having himself given, by confiding this secret service to a mysterious bu-

reau, designated by the name of the black cabinet, (*cabinet noir*.)

The petitioner submitted to the chamber the inquiry, whether the monopoly granted to the administration of the post for the carriage of letters, did not carry with it a responsibility for the effects which they contained; and also whether it was not expedient to suppress this monopoly. The reporter of the commission, while he admitted that the petition was well founded, at least as to the first point, proposed its reference to the minister of finance.

Warmly attacked by M. Petou; who exclaimed against the losses which commerce had sustained from the post, and declared that he was far from being convinced as to the recent suppression of the black cabinet, M. de Vaulchier, the director general, offered some explanations, tending to exculpate his administration from the charges made against it. He admitted that some letters had been taken out of the office to the prejudice of merchants, but imputed this to the infidelity of clerks, who had been delivered over to justice. Questioned as to the existence of a black cabinet, he replied, that that was a popular rumour, and "that he was unacquainted with a cabinet of any colour."

On the latter point, the minister of finance thus expressed himself;

"As to what has been said of a black cabinet, that is to say, of a bureau where letters are opened, I declare that this cabinet, or this bureau, does not exist." "That is to say," replied several members of the *côté gauche*, "it no longer exists, and we thank you for its suppression."

On the 25th of March a *projet* of a law, respecting the electoral and jury lists, was presented to the chamber of deputies. It contained provisions for the annual revision and correction of these lists, so as not only to add or exclude the individuals, who may have acquired or lost their privilege during the year, but also to remove those who may have previously been improperly placed there. As this was a law strongly called for, on account of the many frauds which had taken place at the previous election, and was, moreover, the first important measure of the new administration, it excited a warm interest. It was carried in the deputies, after thirteen days discussion, during which many of the illegal proceedings of the ex-ministry were brought forward, by a vote of 257 to 105. In the peers, it was approved by 159 to 83.

A proposition made on the 14th of April, to create four millions of *rentes*, or a debt of eighty millions, caused a long discussion on the foreign relations of the country. On this occasion, M. de Ferronays

observed, that as the affairs of Turkey had produced much embarrassment in the politics of the world, as several powers were in arms, and others might soon be so, France ought not to await events; she ought to be prepared to fulfil all the conditions of a prudent policy; and although every thing authorized the expectation that the proceedings of foreign powers would have for their object only the execution of treaties, and the confirmation of a general peace, the government had conceived that it was not the less necessary to obtain the means to place on a suitable establishment, the land and naval forces of the kingdom.

Before the several discussion of the propositions for the loan, (13th May,) the manifesto of the emperor of Russia against the Ottoman Porte had been received; and by an ordinance of 11th May, 60,000 men of the class of 1827 had been called into service.

The minister of foreign affairs, ascending the tribune, spoke as follows: "Russia, you are aware, gentlemen, has determined to reply by war to the imprudent proclamation, to call it by no stronger term, addressed by the Grand Seignor to the Mussulmans. We have published all the documents, which have reached us from St. Petersburg, and which at the same time announce the motives of the war, as well as fix the conditions, by the

accomplishment of which its duration may be limited. Russian troops have already passed the frontier, and the emperor has set out, to put himself at the head of his army.

“The right of Russia to demand, by force, the execution of her treaties, assuredly cannot be contested. However, without wishing to exaggerate the possible consequences of this separate proceeding, it may well be conceived, that the respective relations of the different powers, with regard to Turkey, require, at this time, some explanations as to the execution of a treaty, which is common to them. All that we can now say is, that the allies of the king declare that they wish equally with him, to keep their engagements, and attain the end pointed out by the treaty of July 6th, 1827.”

The possible aggrandizement of Russia was regarded, in the discussion which ensued, as indeed it also was by the whole nation, in a very different light from that in which it was viewed by England. A collision between Russia and France, under almost any circumstances that could be conceived, was scarcely possible; while the latter power was greatly interested in supporting any measure, which might take from England her maritime supremacy. In case of a war with her insular neighbours, it is to the Czar that France may

hereafter reasonably look for aid. The extension of the Russian territories to Constantinople, even the junction of all the Turkish provinces, including Greece, to the great empire of the east, could not affect her, otherwise than advantageously. It was only, in fact, by such a state of things, that the French navy could hope to be able to contend with that of Great Britain. Were Turkey in Europe once in possession of a civilized nation, what might not be expected from such a power as a maritime auxiliary?

Were France to be exposed to difficulties with her continental neighbours, looking to history and geographical position, Austria, of the large states, is the one with which she is most likely to have collisions; and as this power is constantly in dread of the advance of the Russians, she naturally esteems England as her ally, against a common rival. This consideration likewise constitutes another bond of union between France and Russia. Accordingly, we find, in the new balance of European power, England and Austria placed in one scale, and France and Russia in the other.

Although, during the joint negotiations of the three powers, as to Turkey, France remained avowedly neutral; and the language of Charles X., respecting the battle of Navarino, the speeches of the French ministers, and especially,

the expedition to the Morea, in the autumn of this year, when contrasted with what has been said of the policy and conduct of England, sufficiently indicate, without resorting to diplomatic rumours, the very different feelings with which the treaty of mediation was executed by the two nations.

In the debate on the proposed loan, the affairs of Portugal, being brought into view, M. Neuville declared "that the government of the king had avowed its policy; it knows that the queen of Portugal is in Brazil, and that there is only a regent at Lisbon."

The proposition of a new law of the press, was taken advantage of, to debate those general questions of abstract right, with the discussion of which, the French particularly delight. We cannot follow the speakers through their several arguments, but must content ourselves with a notice of the new act. By it, every Frenchman has the right of establishing a daily newspaper, or other periodical, on giving the security therein mentioned, and which is 200,000 francs, for a journal that appears more than once a week. The law did not, on account of the security demanded, go far enough to meet the views of the liberals; but, as it abolished the censorship, which the government had had the power to impose, and rendered unnecessary the previous assent of the minister to the esta-

blishment of a paper, much was done to harmonize the law of the press with the principles of free institutions.

On the 14th of June, a proposition of a very extraordinary character was made by M. Labbey de Pompières, the *doyen d'âge*, of the chamber. As finally modified by the mover, and sent to the bureaux, the resolution went to the extent of charging the late ministry with speculation and treason. The commission were unable to make a thorough investigation, owing to their want of power to send for persons and papers. The public functionaries were unwilling to deliver the documents demanded; the ministers refused, in the then state of the proceedings, to communicate the instructions and circulars addressed by the old administration; to the prefects, and other magistrates; military officers declined attending the commission, without the orders of the minister of war, which were not given.

The commission was consequently compelled to found its decision on public and notorious facts; and, after holding a great many meetings, they finally made a report on the 21st July. On some of the charges, the members had been unanimous in acquitting; on others, the vote for impeachment, or for farther inquiry, had been carried by a majority. We will give the commission's own conclusions

on the inquiry submitted to them, as they will enable our readers to form an opinion of the nature of the charges preferred against the late administration, as well as of the views which the French entertain of ministerial responsibility.

"The majority of our commission," says the reporter, "has decided,

"1. That members of religious orders have not been secretly recalled to France, by the late ministry.

"2. That protection and toleration were accorded to the Jesuits by the late ministry, contrary to law.

"3. That the re-establishment of the censorship in 1824, and 1827, had not been demanded by the weighty circumstances prescribed by the law.

"4. That the late ministry were not chargeable with want of favour to the protestants.

"5. That there had been arbitrary and improper removals from office, by the late ministry.

"6. That there had been a squandering of the property of the state, on occasion of the Spanish war.

"7. That on the question, whether this squandering of the property of the state, was to be imputed to the late ministry, and whether the political system which it had pursued was contrary to the interests of France, the committee had not the requisite information to decide.

"8. That the advice which had been given to the king, to create seventy-six peers, in 1827, was contrary to the interests of the crown and country.

"9. That the course pursued by the administration as to the disturbances of the 19th and 20th November, had been censurable.

"10. That several inhabitants of Martinique had been arbitrarily arrested, and illegally banished to Senegal.

"11. That the transmission to the court of cassation, of the documents furnished by some of these inhabitants, had been illegally delayed for many months.

"12. That the arrest of colonel Caron, at Battenheim, had been preceded, accompanied and followed by censurable proceedings.

"13. That there had been a grant by the last administration of certain rights and privileges belonging to the state, to the Carthusian monks at Grenoble, and to the Trappists at Meilleraie; and that other cessations had been previously made to the Carthusians at Grenoble."

It was decided that the facts respecting the disbandment of the national guards of Paris, the arbitrary removals from office, the elections of 1824, and those which related to the inhabitants of Martinique, and the grants to the Carthusians, and Trappists, did not authorize an accusation for treason.

Upon the other points, the major-

rity of the commission had entertained doubts. Under these circumstances, it was ultimately determined to propose to the chamber, "to declare that there was occasion for procuring further information respecting the accusation of treason, that had been advanced against the late ministry."

As the consideration of the report was deferred till after the settlement of the budget, when most of the members generally leave Paris, it was virtually postponed for the session. The absence of all precedents or rules for proceeding in such cases, interposed weighty obstacles to any successful prosecution of the charge. Many of the former opposition doubted whether the conduct of the administration, though of a nature to afford just grounds for their removal from office, (which, indeed, the withdrawal of the public confidence, always renders necessary in a representative government,) was of a character to authorize ulterior proceedings. Others, who were at first inclined for impeachment, conceived that sufficient had been done, by directing the investigation already made. Accordingly, though the subject was introduced at the next session, a motion respecting it was withdrawn by the general wish of all parties, without any formal vote being taken.

In the course of the preliminary debates, on the proposal to impeach

the late ministers, as well as on other occasions, during the session, many arbitrary, if not illegal acts, done by them, besides those specially mentioned, were alluded to.

In no particular was their conduct more uniform, than in their opposition to literature and science, to the dissemination of liberal education, and in the encouragement accorded to bigotry and superstition. They withdrew pensions, that had been granted merely as the reward of merit, from literary men, who had been induced to look to the bounty of the state, as a fixed and certain source of support. They suppressed the normal school, or seminary for the instruction of teachers; expelled by a simple ordinance, the professors of the school of medicine; and suspended the most eminent of those belonging to other faculties. Even Cousin and Guizot, whose courses are now frequented by thousands of the youth of France, zealous for instruction in the highest departments of moral science, were ignominiously driven from their lecture rooms. While the monopoly of education, enjoyed by the university, was resorted to, in order to prevent the inculcation of any doctrines that might militate against the views of the dominant party, seminaries of the Jesuits were established throughout the kingdom; and the good friends of royalty, were encouraged to send their children to

them, to receive pure instruction in politics and religion.

The new administration did not lose the opportunity, which the reversal of these proceedings was calculated to give, of acquiring popularity. The literary pensions were restored, the professors recalled to their vacant chairs, and by the ordinances of the 16th of June, 1828, all the elementary schools were made to conform to the laws.

As early, indeed, as the 20th of January, a commission, consisting of the archbishop of Paris, the bishop of Beauvais, three peers of France, (the viscount Lainé, the baron Seguier, and the baron Mounier,) three members of the chamber of the deputies, (the count Alexis de Noailles, the count de la Bourdonnaye, and the elder M. Dupin,) and of M. de Courville, a member of the council of the university, had been appointed to investigate this subject.

The commission had much difficulty in agreeing on a report; which was, however, finally made on the 28th of May.

In the detailed account submitted to the king, the commission were unanimous respecting the necessity of only admitting into the clerical seminaries, studies compatible with the ecclesiastical profession; of limiting the number of pupils, to the acknowledged wants of the church; of prohibiting the ad-

mission of unmatriculated students; and of affording some aid to these institutions. As to the legality of the eight establishments confided to the Jesuits, the commission was divided; two of the members pronouncing against the right of the bishops to employ persons belonging to this monastic order, whose existence in France was prohibited, by the general laws of the kingdom, and five voting in favour of the Jesuits.

That report produced the warmest sensation, which it was, however, attempted to allay, by the two new ordinances to whose introduction we have above referred.

One of them, in formal contradiction to the conclusions of the commission, submitted to the control of the university, several establishments directed by persons belonging to the Jesuits' society, and added, that from thenceforth, no one could be intrusted with the directions of, or instruction in a house of education, or in one of the secondary ecclesiastical schools, unless he declared in writing that he did not belong to a religious congregation, not legally established in France.

The other ordinances limited to 20,000, for the whole of France, the number of the pupils to be placed in the ecclesiastical schools, whose establishment was to be determined by the government, on the application of the bishops.

These ordinances were received with the warmest disapprobation by the clergy, who had been greatly excited by a previous one of the 21st of April, respecting primary instruction, and who were now almost in a state of rebellion. A hundred thousand copies of a memoir, in the name of the bishops, but without any signature, appeared, in which the ordinances of the 16th of June, were represented as a conspiracy for the destruction of the catholic religion. The archbishop of Toulouse, even announced his intention of opposing their execution within his diocese.

The pope, however, terminated this religious war by intimating to the bishops that they ought to confide in the piety and wisdom of the king, and proceed in concert with the throne.

As we have had occasion to speak of the monopoly of the University, it may serve to explain some of our preceding observations, if we give a short view of the regulations, as to instruction, which exist in France. The whole business of education is under the direction of government. This extends even to the lowest departments. A schoolmaster in the country, who wishes to teach merely reading and writing, is obliged to have the approbation of the committee of the canton, and afterwards of the committee of the

arrondissement, who deliver to him a license. If he wishes to instruct in arithmetic, he must undergo a second, and if in geography, a third examination.

All the schools of every description, are subjected to the regulations of the ministry of public instruction. The minister does not decide alone on the questions that are submitted to him, but a council shares with him the responsibility and power.

The masters of the schools, and all the professors of the royal colleges, are named by the grand master of the university, as the minister of public instruction was also called. The students usually remain eight years in the royal colleges, and are there taught Latin, Greek, philosophy, and a little history. The modern languages did not make any part of the course, till 1829, at which period, the study of them, was introduced into some of these seminaries. There are, probably, 6,000 pupils in all the royal colleges in Paris, and Versailles, of which 1,000 are boarders, and the others day scholars. There are only three colleges where students are received as boarders; but there are several houses of education, which are authorized by the university, to take them. These schools, by their more enlarged system of instruction, supply the deficiencies in the plan of the col-

leges, to which they are, however, obliged to send their pupils for the regular courses of Latin and Greek. A tax in favour of the university, is also imposed, both on the teachers of these schools, and their pupils.

The lectures of the several faculties of the university are open on the most liberal principles, to all who are disposed to attend them, foreigners, as well as Frenchmen. In some instances, a previous matriculation is required; in others, not. There are five faculties, literature, sciences, theology, law, and medicine.

The degree of batchelor of literature is a necessary preliminary to pursuing a regular course of studies in the other faculties, for obtaining the degrees in which special regulations are established by the university.

The minister of finance, in bringing forward the budget for 1829, began by explaining the progress to 1828, of the deficit in the treasury.

The excess of expenditure, anterior to April 1, 1814, was	67,304,000
Advances at the restoration, beyond what was accorded by special credits,	6,366,000
The advances in 1823, and 1824, for the service of the army	

in Spain, produced in the public treasury, a real deficiency of	58,000,000
	<hr/>
	131,670,000

To which are to be added, new excesses of expenditure for 1827, and 1828, viz.	
for 1827,	35,199,474
1828,	33,500,000
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Thus, the extraordinary wants of the treasury, after the complete satisfaction of the charges of 1828, were to be estimated at a total of 200,369,474

He then mentioned, that the credits voted for 1828, amounted to 957,821,602 francs, but that this sum must be increased for 1829, by several other credits, distributed among the different branches of service, and which, when the savings that had been effected, had been deducted, presented a total increase of 17,881,425; thus, carrying to the sum of 975,703,027 francs the expenses of the budget of 1829. At the subsequent session, (1829,) the credits for 1830 were fixed at 977,935,329. At the former of these sessions, the accounts for 1826, and at the latter those for 1827, both having been first judicially settled by the court of ac-

counts, received the final sanction of the chambers.*

The army for 1828 was 283,818 men. In the navy, there were, afloat or on the stocks, 336 vessels, of which 56 were ships of the line, and 52 frigates.

During the discussion on the budget, several topics of general interest were adverted to. The treaties by which 12,000 Swiss were taken into the French service, were greatly complained of, especially, as the pay of these troops were far higher than that accorded to the French.

In the course of these desultory discussions, general La Fayette, admitting the ameliorations that had been introduced since 1789, in the social organization of France, drew from them the conclusion, that the more nations advance, the more governments tend to retrograde. He blamed, in the army, the superabundance of generals, of staff-officers, of privileged and foreign corps. "We have few soldiers," said he, "and a nation that was formerly completely armed, and for a long time victorious over Europe in a coalition against its independence, is now as much disorganized and disarmed, as a conquered people could be." He expressed him-

self warmly against the refusal of the government to recognise the American states; and particularly pointed out the Spanish expedition as one of the most deplorable acts of the late ministry, as an expedition both culpable and unfortunate, expressions which were repelled with earnestness by the minister of marine.

The relations with Spanish America were repeatedly the subject of discussion during this session, and when the chamber was on the budget for the department of foreign affairs, M. Jacques Lefevre complained that France had remained in an equivocal position, towards the states of South America; and that the new tariff, promulgated in Mexico, imposed on French merchandise duties, double those which were established for other nations. According to him, the absence of her agents had not been less injurious to the political, than to the commercial concerns of France. The appropriation for objects connected with religion and education, also served as the foundation of many remarks; but our limits do not permit us to enter, in this place, into a further examination of these topics, or to detail the discussions respecting

* The court of accounts settles, in the first and last resort, the accounts of all persons, who receive or pay out the public moneys. It likewise decides, on appeal, questions respecting the funds and revenues, in the budgets, that are specially assigned to the expenses of the departments and communes.

Its decrees are sovereign and definitive, and can only be attacked for errors in the form, or violations of the law, in which case, either the government, or the individual, may appeal to the council of state, which exercises, with respect to this court, the same functions as the court of cassation does in relation to other tribunals.

the powers of the council of state, a subject which occupied much of the attention of the deputies.

The chambers were prorogued on the 18th of August, and we cannot better close our account of the session than by translating a paragraph from a contemporary French writer.

"This session, the longest since the restoration, is likewise one of the most remarkable, by the independence of the opinions, and by the talents that were manifested in the chambers; by the importance of the matters discussed, and by the results that were obtained.

"At the commencement, and even throughout the whole duration of the session, a character of uncertainty and hesitation was to be seen in the majority, to explain which it is only necessary to recollect under what circumstances the ministry and the two chambers were formed. A new ministry, that had not yet tried its own strength, that had not made itself friends, appeared before the chambers that had been renewed, the one by so large an addition to its members that it seemed to have been made with a view of changing its spirit, the other by a general election; and some time was necessary, not only to find in it the majority, but to discover what opinion belonged to this majority. This opinion appeared during the verification of the powers of the chamber of deputies,

and was frankly pronounced, under different shades, against the measures employed under the last ministry, to influence the elections; but the violence of some of the speakers of the extreme left alarmed the *côté droit*, and produced an excitement in the two centres. The result was seen in several resolutions that were adopted or rejected as if by accident; and in the first ballot for the election of candidates for the presidency, the union of a few of the old opposition of the *côté droit*, which certain writers have called the royalist secession, gave, on this critical occasion, a small majority. But, notwithstanding this union, notwithstanding the new elections, which soon after reinforced the left side with twenty-four or twenty-five members, the majority remained to the end uncertain, and doubtful on all questions where the monarchical spirit was attacked or compromised, as in those relating to the members of the administration, the re-establishment of the national guard, the existence and organization of the council of state, &c.

"The house of peers did not offer a less interesting spectacle to the view of the observer. The entry of the new peers was marked by attacks against the proposed law, on the periodical press, the violence of which was unprecedented in the upper chamber; but the calm dignity suitable to this

August body soon imposed silence on the turbulent animosity of party passions; and, whether it was that several of the peers of the last promotion joined the old majority, or that the members of the old minority went over to the side threatened by the ministerial invasion, the general spirit of the house appeared not to be changed, and the laws passed in the other chamber found in every thing that could secure the maintenance of the charter, and of constitutional principles, the same support from an imposing majority."

Among the events of the year, connected with the history of France, is the return of the troops from Spain, now reduced to 5,500 men, who had remained there as an army of occupation since the year 1823, when the duke d'Angouleme obtained his triumph over the Spanish Cortes and the establishment of representative governments in the Peninsula. Though the object of the invasion was wholly unjustifiable; yet after the liberal institutions were destroyed, and no hopes remained for Spanish regeneration; the influence of the French was decidedly beneficial, and unquestionably checked many of the excesses of the priests and their bigoted sovereign. Indeed, the submission of Ferdinand to the moderate counsels of his foreign advisers, was one of the principal grounds of the

rebellion of the Catalonians, who violently complained of the toleration, which, as they alleged, the Constitutionalists enjoyed. It is also probable that had the French army been previously withdrawn; active and efficient aid would have been furnished to the Portuguese rebels under Chaves, at the time that the invasion of that country was apprehended by Mr. Canning.

By a convention, concluded towards the close of the year, Spain agreed to meet the indemnities due to France for the expenses of the army of occupation, by inscribing on the grant book a capital of 80,000,000 francs; and it was stipulated, that, besides paying the interest, amounting to 2,400,000 francs, 1,600,000 a year should be appropriated for the gradual extinguishment of the principal.

The troops that returned from Spain formed part of the expedition, consisting of 13 or 14,000 men, that sailed for the Morea in the month of August, under General Maison, and to whom was confided the honourable task of freeing that interesting country from the barbarians who still occupied some of its important fortresses. These places were all given up to the French, and the object of the expedition fully attained.

During the summer, the king made an excursion through his northern provinces. At Strasbourg, where he passed three days, he

received the personal compliments of several princes of the Germanic confederacy, among whom were the King of Wirtemberg, the Duke and Margraves of Baden. The Prince Constantine of Lowestein came to offer to his majesty the respects of the King of Bavaria.

The ministry sustained a severe loss by the indisposition of M. De la Ferronays, the most popular of their number, whom bad health compelled, in the course of the summer, to ask leave of absence from the duties of his office, to which he never returned. We have already seen, that the administration was at no time sure of an ascendancy in the chambers, and that at the end of the session, as at the beginning, a majority, which changed according to temporary considerations, decided all questions. They were as unfortunate in their attempts to obtain the confidence of the crown, as they had been to acquire that of the legislature. Indeed, Charles X. was decidedly under the influence of the priests, and of his old advisers, with whom he only parted through necessity, and to recall whom to power he seemed disposed to avail himself of the first occasion. During the recess, several elections had taken place, nearly all of which terminated favourably to the libe-

erals; but, from this result, it could not be inferred that the strength of the ministry had been increased. The violent opponents of Villèle and his associates, were dissatisfied with the cautious proceedings of the new administration. Among the causes of discontent, was the decision of the ministry not to remove functionaries on political grounds, a course which, probably, contributed to their own overthrow.

There were important considerations, which ought to have weighed with the friends of constitutional liberty, in inducing them to uphold the existing administration. Their conduct had been frank and loyal. While M. Villèle, besides the anti-liberal tendency of his internal administration, had rendered himself extremely unpopular with the majority of the nation, by the expedition to Spain, which, with all its mitigating circumstances, was not only a palpable interference with the internal affairs of another state for the worst of purposes, but had entailed on the country a debt of a hundred millions, all Frenchmen exulted in the deliverance of the Greeks, effected by the generous intervention of their arms, under the direction of the new ministry.

CHAPTER IX.

Session of 1829—Projet of Laws, for the administration of the Departments and Communes—Endowment of the Chamber of Peers—Commissions on Commerce, Public Roads, and Canals—Foreign Relations—Relations with the United States—Close of the Session—Dissolution of the Ministry—New Administration—Elevation of Polignac to the Presidency of the council, and resignation of La Bourdonnaye—Jesuits—Political State of France.

To reinforce the administration before the meeting of the chambers, every effort was made ; but without effect. The Duke of Montemart, to whom the department of foreign affairs was offered, declined that post, and as a temporary expedient, a further *congé* of three months was, on the 11th of January, 1829, accorded to M. Ferronnays, and the portfolio of that ministry provisionally confided to the keeper of the seals, M. Portalis.

The session commenced on the 27th of January. The speech from the throne was much applauded in the liberal papers. The assurances respecting Greece were very satisfactory, though the restoration of peace in the east of Europe appeared as an object, that was rather desired than expected. Mention was made of the convention for the reimbursement

of the advances of France to Spain, of which we have spoken ; and of another convention with the Brazils, for the indemnities due to French merchants, for property illegally captured. With respect to Portugal, there was an entire silence. The internal condition of their affairs was given as the only reason for deferring the establishment of regular diplomatic relations with the new states of South America. Consuls, it was mentioned, had been named, to reside in their principal sea-ports. The difficulties with Algiers, to which we referred in the last volume of the Register, were said to be not yet brought to a termination ; though the king announced his intention to pursue with vigour his demand for reparation. The non-execution of the treaty with St. Domingo, by which, it will be remembered that, in return for a very equivocal

recognition, 150,000,000 of francs were to be paid to the former colonists, in five equal annual instalments, was ascribed to the inability of the Haytian government, to comply with its conditions; and the chambers were informed that negotiations had been opened to modify the terms of the convention. The king alluded to the liberty enjoyed by the press, as well as to the execution of the ordinances, respecting the minor seminaries. But the most important matter connected with the internal policy of the country, was the promise to propose laws "for placing the municipal and departmental organization, in harmony with the existing institutions."

The chamber of deputies presented to the king, as the five candidates from whom he was to select the president, Messrs. Royer Collard, Casimir Perrier, De Berbis, Sebastiani, and Delalot. The highest on the list, had 175 votes. M. Ravez, the opposing candidate, that received the greatest support, counted but 90 votes in his favour. M. Royer Collard was re-appointed president. The two houses having agreed on their answers to the Royal speech, and disposed of other preliminary business, M. Martignac, minister of the interior, presented to the deputies, early in February, two *projets* of laws; the first was, to regulate the organization of the *communes*: the

second, respected the councils of the departments and *arrondissemens*.

From the remarks which M. Martignac made in submitting these bills, and from information derived from other sources, we will endeavour to give a sketch of the present civil division of France, and the attributes of the respective councils to which the new laws were intended to refer. It appears that the kingdom is divided into 86 departments, 363 *arrondissemens*, 2,839 cantons, and 38,359 *communes*. The members of the different councils, whose functions are legislative, as well as the administrative and judicial officers, had been named by the government. It was now proposed to give the election of these councils, under particular regulations, to the people.

The distinct existence of the *communes*, as the first element of society, was maintained. The mayor and adjunct were, in *communes* containing more than 3000 inhabitants, to be named by the king; in the others by the prefects of the departments.

The councils of the *communes* were to be chosen by the *notables*; and the inhabitants paying the highest rate of taxes, to the number of 30 in a population of 500, which was to be increased by 2 for every additional hundred. The *notables*, who were to be united with these last mentioned electors, were the curates and pastors, jus-

tices of peace, notaries, doctors and licentiates, and officers in the army and navy, enjoying retiring pensions of 600 francs. The proprietors living out of the communes were to be represented, and in favour of the farmers, one fourth of the contributions on the land which they cultivated, was to be calculated.

In the communes having 3,000 inhabitants, there were to be 60 electors in virtue of their contributions, which number was to increase, at the rate of 2 per hundred, till the population became 20,000, when only 2 for every 500 were to be added. The notables that were to be included among the electors in the larger communes, were the bishop, heads of the colleges, the president of the consistory, judicial functionaries, administrative officers nominated by the king, members of the tribunals and chambers of commerce, officers of the university, and of the army and navy, enjoying retiring pensions of at least 1,200 francs.

The expenses for which the communes have to provide are of three kinds :

1. Necessary expenses, viz. keeping up the registers required by law ; subscription to the *bulletin des lois* ; taxes on the property of the commune, and the payment of the debts due from it ; and the charges of quartering soldiers,

agreeably to the established regulations.

2. The expenses placed to the charge of the communes, viz. the rent and expenses of the mayor's office ; indemnity to curates for house rent ; repairs of churches and colleges ; grants to the primary schools and colleges of the communes ; assistance to the charitable establishments and foundling hospitals, in cases where their resources are insufficient ; police, and other similar charges.

3. Discretionary expenses.—These are for clocks, fountains, promenades, paving and lighting the streets, and public fêtes.

The ordinary revenue accrues from the income of real and personal property belonging to the commune, from the rents of the public grounds ; from duties on weighing and measuring ; from licenses ; and from the additional *centimes*, assigned by the general laws of finance to the expenses of the communes.

The municipal council of the commune assembles every year, at a fixed period, and may sit 15 days. It deliberates upon the charges and resources of the commune, internal duties, (*octrois*,) extraordinary contributions, and every thing touching the interest of the commune. It receives and discusses the accounts of the mayor, which are definitively settled by the prefect.

At the head of the administration of every department, there is a prefect, assisted by a council of prefecture. There are also *sous-prefets*, in the several *arrondissemens cantonnaux* into which the department is subdivided. For each department there is a council general, and in each *arrondissement* a council.

The duties of the council general are of four kinds ; 1. To make a distribution of the direct contributions among the *arrondissemens*. 2. To give their advice respecting the employment of the *centimes* destined for the variable expenses imposed on the departments, and vote the budget of those expenses, which is first prepared by the prefect, and then approved by the minister of the interior. 3. To vote at their discretion the additional centimes for the benefit of the department ; but their decision requires the sanction of the minister of the interior, and is also restrained by the law. 4. To express their views on the state of agriculture and commerce, navigation, roads, bridges, public instruction, and general administration, in their department.

The functions of the council of *arrondissement* are of a similar nature. They apportion the direct contributions among the communes ; they receive the annual report of the sub-prefect on the employment of the centimes, specially applied to the local expenses ; and also ex-

press their opinion on the condition and wants of the *arrondissement*.

The councils of *arrondissement*, it was proposed to elect by assemblies of the cantons, to be composed of two classes ; 1. the persons having their domicile there, in the proportion of one for every hundred, where the population was under 5,000 ; and if it exceeded that number, of one additional elector for every thousand inhabitants. 2dly, Of members of the municipal body of every commune, chosen by the council, in the ratio of one for 500 inhabitants.

The councils general of the department were to be elected by assemblies of the *arrondissement*, composed of the highest taxed, in the proportion of one for every thousand ; but the number was at all events not to be under fifty. According to the explanations of the minister of the interior, out of the population of 32,000,000, which France contains, by the plan proposed more than 1,500,000 would take part in the elections of the communes, 160,000 in those for the councils of *arrondissement*, and more than 40,000 in the choice of the councils general of the departments.

In this calculation, as well as in the preceding statements, reference has only been had to the right of electing. The privilege of being chosen to the councils was still

more restricted. The *projets* were, however, though for very opposite causes, unfavourably received by the decided members of both the two parties, to neither of which, as we have already explained, could the ministers be considered as belonging.

The *côté droit* wished no increase of the popular privileges by extending to the citizens the election of any officers, whose appointment could be continued as part of the royal prerogative. The liberal party, on the other hand, were desirous of admitting to a participation in the choice of the local councils, as many as possible of those who were to be affected by their decision.

With this latter feeling corresponded the sentiments of the commissions to which the two proposed bills were referred, and at the head of which, M. Dupin and General Sebastiani had been respectively placed. Both reporters advocated the extension of the suffrage, but General Sebastiani suggested a radical alteration in the abolition of the councils of the *arrondissement*.

To be a member of a college of an *arrondissement* for the choice of deputies, the payment of a tax of 300 francs suffices; but by the law of 1820, one fourth of the electors in each department, who are also members of the colleges of the *arrondissements*, have the further right of exclusively electing two fifths of

the chamber. This last principle was, as has been pointed out, adopted in the new scheme.

By the commission, the payment of a specific tax was fixed as a qualification. They also showed in their report, that, according to the plan of the ministers, many persons who could sit in the supreme legislature of the country, would not be able even to take part in the election of a member of the departmental councils. The number of persons, who have votes for the chamber of deputies, is, in the whole of France, 79,314; but the ministry only proposed to admit to the election for the departmental councils, the 36,000 who were the highest taxed. It gave the privilege of being eligible to about 15,000 of them. The commission called to a participation in the election 157,690 persons, and extended the right of being elected to 39,437.

We have been more minute on this subject than may, perhaps, at the first view, be deemed strictly necessary. What we have stated, will, however, serve not only to make us acquainted with the principles at issue, on decidedly the most important question that came before the legislature, during the two years whose history we are examining, but will also be of use, in giving us an idea of the internal organization of France, and of the degree in which the right of suffrage is exercised in that country; a topic

to which we shall, in the sequel, revert.

The reports on both *projets* were made on the 19th March, but the debate commenced on the law respecting the departmental organization, contrary to the earnest efforts of the ministry. On no previous occasion were more elaborate discourses made, on the principles of liberty and constitutional government, than were elicited by the discussion of this great question. The ministry, however, assailed from each side, and obliged to resist, at the same time, all the prejudices of the *ancien régime*, and the republican pretensions of the *côté gauche*, stood almost alone. Conceiving, on the chamber's assenting, on the 8th April, to the proposition of the commission to suppress the councils of the *arrondissement*, that the prerogatives of the crown, were in jeopardy, they left the house, and returned in a few minutes, with the king's ordinance, declaring "that the two proposed laws respecting the administration of the departments and communes, presented to the chamber of deputies on the 8th February, were withdrawn."

The motives for the course which the ministry had advised his majesty to adopt, were thus explained on a subsequent occasion, (9th of May.)

"In withdrawing the two laws in question," said M. Martignac,

"the king has made use of his undoubted prerogative. This no one has contested; on the contrary you have all formally admitted it. For our part, we have advised his majesty to employ his prerogative; the king ought not to explain his motives, but we ought to state ours. (General attention.)

"When we came to the head of affairs, our attention was immediately turned to the wants and demands of the country. Among them the want of a law fixing the organization of the communes and departments was every where manifested; and we attached a sentiment of happiness, an idea of glory; to distinguishing our ministry, by institutions which France required. We entered on these grave matters; we formed a commission, in which, as our duty required, different opinions were represented; for, if the interests of the people ought to have had their representatives, so ought also the royal authority. Various plans were suggested, and we finally brought before you two distinct laws. They were at first received with marks of approbation, but this approbation was of short continuance, and gave place to cruel censures.

"Of the two laws, the one respecting the communes underwent important modifications; but they were only amendments, and the general plan of the law was retained; for the other, an entire

new system was presented. The councils of the *arrondissement* were suppressed, assemblies of the canton were introduced, a fixed qualification for the electors was substituted to a relative one. Without pretending to judge this new system, we foresaw, that a discussion founded on such a basis, would with difficulty be brought to a result. The projects had been reported the same day; that respecting the communes was the first in the order of the presentation of the reports, and in the regular course of things. We spoke with an earnestness with which we have been severely reproached, not to obtain, but to retain, the priority of this proposed law, in order to secure the advantages of it to the communes, feeling doubtful of the issue of the other discussion. Our request was repelled by a factitious majority, composed as well of those who wished both these laws, as of those who did not wish any law on the subject. (Universal laughter.) The discussion was opened, and the question of abolishing the councils of *arrondissement* was first brought forward. We combated it, by objecting that it was not competent to the chambers to overturn, by way of amendment, the existing legislation. This time the question was decided by a minority that had become the majority, in consequence of a manœuvre of a fraction of the

chamber, who deserted before the decision. Thus the royal proposition, as well as the entire legislation relative to the councils of the *arrondissemens*, must have succumbed under a simple amendment adopted by an accidental majority.

"On the other hand, the ministry having decided, after mature reflection, not as they have been made to say, without ever having said so, not to accept any modification, (to the left—yes! yes!) but not to accept the new system which was imposed on them, declared that they could not advise its adoption by the crown. This declaration has been much blamed, but I continue to believe that it was called for by duty. (A voice to the right, yes.) If, notwithstanding the resolution which we had adopted, we had said nothing, what would have happened? We should have been accused of bad faith; and the reproach of bad faith is the last that we would willingly incur. What ought we to have done? To continue to take part in a debate which was to be without result? This would not have been worthy either of the chamber, or of the government. To remain silent, and allow the discussion to be prolonged, without participating in it, would not have been worthy either of you, or of us. What was, then, to be done? That which we had announced, and which we actually did, in withdrawing the

law. The withdrawing of this law has been ascribed to a movement of anger, of wounded vanity ; but how is it possible to believe, that in circumstances so important, we could have been actuated by such motives ? No, gentlemen, it was a duty, the consequences of which we had fully foreseen, but which we have fulfilled, because it was a duty."

Another important subject was, the bill for endowing the chamber of peers. Under the empire, certain revenues had been set apart for the payment of the pensions of the senators, to each of whom, a salary, or pension, of 36,000 francs for life, had been allowed. In 1814, the property of the senate was united to the domains of the crown, with a saving, however, of the former pensions to the senators. This property was kept distinct from the other public revenues, and pensions were, from time to time, accorded to peers, who had not been senators. It was now proposed, that pensions amounting to 2,186,500 francs, which the king had granted to certain peers, or which old senators enjoy, by virtue of the ordinances of 4th June, 1814, and likewise those possessed by the widows of peers and senators, to the amount of 456,500 francs, should be inscribed in the book of *rentes*, under the date of 22d December, 1829.

These *rentes* are inalienable, and

are transmissible to the successor to a peerage, only in the event of his not having a clear revenue of 30,000 francs. The law, though much inveighed against by the liberal journals, was, after a protracted debate, adopted in the deputies by a majority of 90 votes, and it was, of course, not rejected in the upper house, the benefit of many of whose members it had specially in view.

Besides the revenue of 2,700,000 francs, representing a capital of 60 millions, thus voted to the peers, it appears, from official documents, that members of the upper chamber likewise received 50 millions of the indemnity, granted in 1825, to the French emigrants. The sums, however, accorded to individuals from this amount, as well as the majorats of 30,000, 15,000, and 10,000, for dukes, marquisses, and barons, established by the French ordinances, appear very insignificant, when compared with the incomes of £150,000, or £200,000, belonging to noblemen of the same titular rank in the peerage of the neighbouring kingdom.

The principles of free trade, so far as they can be put in practice, without injuring vested interests, created by the operation of existing laws, are beginning to find powerful advocates in France, as will appear from the following extract from the report of a commission appointed on that subject on the

5th of October, 1828, and which was laid before the chamber on the 21st of May following.

“ From a commission, in which, as it will be easy to convince you, by the present statement, no doctrine has wanted advocates, no interest persons to defend it, has proceeded the unanimous opinion, that the commercial system, that is to say, the system which regulates by taxes the mutual relations of nations, is a necessary consequence of their political separation, of the difference of their respective institutions; that in the prudent application of this system is found the guaranty of public and private fortunes; that every unnecessary prohibition is an evil, but that certain prohibitions may be indispensable; that the protection resulting from taxes is then habitually preferable to that arising from formal prohibitions. As to the rest, rights exist every where, where there are interests created under the protection of the laws; and in the existing state of industry in France, having regard to the interests engaged in it, the laws ought to adopt a judicious system of protection; that is to say, on the one side, they ought to protect effectually the labour of the country, and, on the other, to study carefully for every interest the amount of the protection that it requires, viewed in connexion with the in-

jury which an excessive protection might create.”

From the report made on the 10th of May, 1829, by another commission, appointed in the preceding August, it appeared, that the entire length of the royal roads, or public highways, was about 8661 leagues, of which only 4205 are finished, and in good repair.

That 3166½ are to be repaired, 814 to be finished, and 446 to be opened.

That the roads to be repaired would re-	<i>Francs.</i>
quire a capital of	61,000,000
The roads to be finished,	43,400,000
The roads to be opened,	35,000,000
And that to repair, finish, and construct the other artificial works, the expense would be about	59,600,000

199,000,000

The subjects of foreign policy discussed in the legislature in 1829, were not very unlike those which had occupied the chambers during the preceding year, as will appear from the few translations of the debates which our limits will permit us to introduce.

During the discussion of the appropriations, on the 5th of May, the keeper of the seals rose, and, after paying a compliment to M. De Ferronays, whose absence he regretted, spoke as follows :

“ One circumstance contributes to give me confidence, I mean the difference of opinion that prevails among the speakers to whom I am to reply. If one of them, with the authority of his experience in political affairs, has maintained that our expedition to the Morea was inopportune, and unadvisedly conceived, an honourable general, who sits on the same side of the house, has replied to him, with no less conviction, that this expedition could be advantageously sustained on the principles of the most profound policy. In this state of uncertainty, gentlemen, you will suspend your judgment, you will not hastily condemn those who have acted with a full knowledge of the matter, who have been able to see the question under all its bearings, and who have possessed means of information, the force of which, the political orators that you have heard have not had it in their power to estimate.

“ What moment, gentlemen, is selected to ask us what we have done for our national consideration abroad? At what other period since the restoration, has the French flag more gloriously waved on the seas of the two hemispheres, to make the French name every where respected, and to protect our navigators and merchants?

“ At what other epoch since the restoration, has the support of

France been sought for with more eagerness by all foreign powers?

“ At what other period has the usual mediation of our agents abroad been more frequently invoked? When have political connexions, which neither the demonstrations of force, nor the submissions of weakness, could produce, been more frequently effected by their sole intervention.

“ It is, without doubt, a noble disinterestedness that presides over the generous policy of the king; but this disinterestedness will produce its fruits; there would still be an advantage in being just and disinterested, even were there no honour or glory in such a course.

“ How happens it, then, that it is stated at this tribune, that an expedition which the whole of France has applauded, has been decided on in a spirit of Russian policy, and terminated in a spirit of English policy.

“ Is it not possible to extend a succouring hand to poor Christian slaves, and seek to secure them civil and religious liberty, without being inspired by the cabinet of St. Petersburg?

“ Would it not be possible to cease to prolong hostile demonstrations, thenceforth useless, to procure the benefit already obtained by an inviolable guaranty, and to place ourselves in a remote country upon a military footing

equally favourable to the Greeks, more in harmony with our relations with the Porte, and less burthensome to France, without yielding to the councils of the British cabinet?

"Is it not a policy altogether French, which tends to secure to France the maintenance of the peace and consideration which she enjoys, at the same time that it procures for her, in the affairs of the east, the part which she has a right to take in consequence of her commercial interests, her rank and dignity among powers, and the protection she accords to the unfortunate people, whose emancipation and civilization are in question.

"But it is the part which we have taken in the execution of the treaty of July 6th, that we are reproached with. The obligations were common, the burthens should have been so also. Where the obligations are common, the burthens should be so likewise, and how is it established that the burthens are not common? We have nothing to say of Russia, and our silence will be understood; but has not England co-operated with her soldiers and her artillery, to the capture of Patras, as she had nobly co-operated with her vessels and her marine to the memorable affair of Navarino?

"Would it have been either expedient or useful, to allow the fruits of that memorable victory of Na-

varino, which has excited such unanimous acclamations throughout France, to be lost? Was the expedition to the Morea suitable or useful for the execution of a solemn treaty, dictated by the necessity of putting a termination to the bloody struggle, which, in abandoning the Greek provinces, and the islands of the Archipelago, to all the disorders of anarchy, and to all the ills which accompany tyrannical oppression, and civil war, imposed every day new shackles on the commerce of the European states?"

On a subsequent day, M. Portalis referred to the difficulties with Algiers, and the relations with South America.

"As to the expedition to Algiers, when the administration of which I have the honour to form a part, was composed, the matter under consideration was commenced; the blockade already existed. There was, then, no occasion to ask the advice of the chamber respecting it; it was only requisite for us to bring it to an issue that should be honourable to, and consistent with, the interests of the king and nation.

"I ought, however, to declare, that we have not abandoned negotiation. The ministers of the king will have recourse to force, when every other means shall have become impossible. The operations, to the present time, are

limited to blockade and threats. We will only have recourse to the force of arms in case our armaments and military position do not afford a salutary warning to the Barbary regency.

"I pass to our relations with the new states of South America. Agents have been sent to treat with such of these states as present some guaranties of stability; but it may be easily understood, that the forming of these relations is attended with difficulty, in a country where the established governments disappear from one moment to another, amidst the disorders of a revolution.

"I repeat, the government is disposed to treat with such of these governments as offer guaranties of stability, without, however, sacrificing the interests of the country to vain considerations."

It is known to us, that in the course of 1828, M. De Bresson, a gentleman formerly belonging to the French legation in this country, was sent to Mexico, and the states of South America, in the character of commissioner of his most Christian majesty, with a view of making inquiries preliminary to the recognition of those republics.

When the appropriations for the department of war were under consideration, (6th of May,) General Lamarque said, "The extraordinary credit demanded by the

minister of war, awakens melancholy recollections; it recalls the Spanish expedition, so unjust, so impolitic, and so fruitful in mournful results.

"The expedition of the Morea was a kind of expiation for that of Spain, yet I entirely participate in the opinion of an honourable colleague, M. Bignon. It was conducted in an impolitic manner; it is particularly liable to that charge, since it places in a false and embarrassed situation, and, possibly, at the mercy of England, 6000 Frenchmen, who, as my honourable friend General Sebastiani has proved, are insufficient to guard the Morea, conquer Athens, Missolonghi, and carry the frontiers of Greece to Mount Olympus or Thermopylæ.

"Our sound policy was, then, to reinforce our well-appointed navy, and to prepare in silence for events which futurity conceals in its bosom. Our policy was carefully to preserve a neutrality between England and Russia, which have opposite interests; not the neutrality of a petty power, which is the sign of weakness, or anticipated resignation to whatever victory shall order, but that armed neutrality which gives strength in a formidable repose, which promises support to the vanquished, and which warns the conqueror that he cannot, with impunity, pass over the barriers which the balance of

Europe, and the interests of other nations, oppose to him."

To these remarks, M. De Caux, minister of war, replied, "It has just been said, that the expedition of the Morea was an expiation for the Spanish war; I must repel such an assertion. The Spanish war arose from a noble and generous sentiment of France for a neighbouring prince. (To the left, no, no. To the right, yes, yes.)

"It has produced an immensely important result, by showing what a French army could effect after our reverses; it then manifested conspicuously its love for the king, for the heir to the throne, and for the virtues of this prince. Under this point of view, the expense is not to be regretted. (Murmurs and denials to the left.) As to the expedition of the Morea, I will not discuss the political question. The keeper of the seals (acting as minister of foreign affairs) did that yesterday, and he was the proper person to do it. I will say less than he did. I will, however, add, that the moment has not yet arrived to judge that expedition, as useful to the policy of France, as it was to humanity. All who return from the Morea are persuaded, that without the presence of our troops, Ibrahim would still occupy it. In the present state of things, we entertain the hope, that the negotiations that have been commenced will be carried on in such a way as

to procure to Greece boundaries calculated to give her the rank of a European nation."

It does not appear that any diplomatic correspondence on subjects of importance took place between the French government, and our minister at Paris, during the period of which this volume treats.

By the operation of the commercial treaty of 1822, all discriminating duties upon the vessels of France and the United States, respectively ceased on the 1st of October, 1827.

The claims of our citizens, arising from injuries sustained under illegal decrees against neutral commerce, still continue undecided. These demands include many cases of vessels burned at sea, and of cargoes sequestered in the ports of France, and provisionally sold, respecting which no adjudication has ever taken place; and some of which, it has been ascertained, would have been restored by the imperial government, had Napoleon continued in power. But, though claims of a precisely similar character with ours, on the part of other powers, have been liquidated, the just reclamations of our citizens, which were presented as early as 1816, to the attention of the present royal government, have been almost totally disregarded. As the liability of France under the laws of nations, and treaties, cannot be seriously disputed, the

neglect, with which our country has been treated in this matter, cannot but be deemed most extraordinary; especially, when it is recollected that France carries on with the United States, a more extensive trade, than with any one other nation, not excepting the adjoining kingdom of Spain, or the neighbouring British isles.*

The only way in which it has been attempted to meet our demands, has been by asserting counter claims, under the Louisiana treaty, and for balances alleged to be due to the heirs of M. Beaumarchais, a French subject, for supplies furnished the government, during the revolution.

The claim under the treaty of Louisiana, depends upon the construction of the 8th article, by which, after the expiration of the twelve years, during which they were to have the same privileges as Americans, French vessels were for ever to be treated in the ports of that ancient colony "*on the footing of the most favoured nations.*"

By conventions and mutual legislation the foreign discriminating duties on the tonnage of vessels, and on the goods imported therein are abolished in favour of several nations, (as we have seen to be the case with regard to Great Britain,)

in consequence of their according like privileges to our navigation:

France, who had not acceded to the proposition of reciprocity, began as early as 1817, to maintain that she was entitled to enjoy, gratuitously, in the ports of Louisiana, all the privileges which the vessels of England, whom she considered as *the most favoured nation*, possessed there under the treaty of commerce, and for which an equivalent was paid. It was urged, in reply to the demands of France, that she claimed to enjoy a privilege, without fulfilling the condition on which it was granted. "The stipulation," said the American secretary of state, "to place a country on the footing of the most favoured nations, necessarily meant that if a privilege was granted to a third nation, for an equivalent, that equivalent must be given by the country which claimed the same privilege, by virtue of such stipulation."

The only allusions that we find to American affairs, in the debates of the two sessions under consideration, are some observations from General La Fayette, during the discussions on the budget, in 1828, and a few words from M. Labbey Pompières, in his speech in the same year, proposing the accusation of

* In 1824, the value of the whole of the exports of France, was 440,542,000 francs; of which 55,000,000 were to the United States, 52,000,000 to Spain, and 45,000,000 to Great Britain.

the former ministry. They both referred to the long neglected claims of our citizens for depredations under the imperial government. "The North Americans," said the deputy last named, "demand the payment of debts, which we do not seem disposed to acquit." And again he asked among other questions, "Has the late administration discussed the claims of the United States? No, they have neglected every thing, lost every thing, and infused distrust and languor into every thing."

On the expiration of M. Ferronays' second leave of absence, it became necessary to make definitive arrangements; but though the Duke de Laval Montmorency, then ambassador at Vienna, was actually appointed minister of foreign affairs, and the ordinance was published in the *Moniteur*, he refused to associate himself with the falling fortunes of an administration that seemed to be wholly unsupported by the confidence of either the king or the people. As the applications to other prominent men were not attended with better success, nothing could be done, except to announce to the world the inability of the existing administration to continue in the direction of the public affairs, or to supply the *personnel* of the ministry, from individuals already in office. The latter alternative was resorted to; and on the 15th of May, M. Por-

talis assumed the title of minister of foreign affairs, while his late under secretary, M. Bourdeau, was elevated to the rank of keeper of the seals, and minister of justice.

As the session advanced, the ministry became more and more unpopular with the liberals; and a circular was issued, in the month of July, directing prosecutions against all journals, which rendered themselves in any way obnoxious to the laws. When the subject of the appropriations for the year was brought forward, the same general spirit of disaffection, which had led to the defeat of the laws for the organization of the departments and communes, though tendered as they had been as a boon to the majority, manifested itself in the votes on every branch of the service. In no way could a want of confidence be more clearly exhibited, than in the vote of credit, for the ensuing year. Fifty-two millions had been asked by the government; but, though the result of the operation in the east of Europe was then still uncertain, a reduction of nine millions and a half, proposed by the commission, was, on the 10th of July, sustained by the chamber. That there might be no mistake, that the motives for this decision were to indicate the sentiments of the legislature respecting the pusillanimity of ministers, language to the following effect was used by the liberal party.

"The ministry has obtained 42,500,000 francs, and that is assuredly sufficient for the purposes to which it was to be applied ; an intervention in the east, which looks to placing Greece in a disgraceful vassalage ; a very benevolent neutrality towards the monster who covers Portugal with blood ; hostilities without result against a handful of pirates ; an internal administration which is averse to every important amelioration, and has no condescension except for the men and the principles of a faction, the enemies of every species of liberty—all this was abundantly paid for, by the annual *milliard*. It is surely sufficiently complaisant, to accord forty-two and a half millions to encourage such a system." In the chamber of peers, which had been reduced to a small number by the retirement of several of its members, as early as the month of May, Villèle's partisans were said to have unexpectedly found themselves in the majority.

At the termination of the discussions respecting the budget, the members generally left town, and the session was soon after formally closed. Much joy was expressed by the ministers on this occasion, but it was extremely short lived. The embarrassments which the chamber occasioned, were nothing in comparison with the difficulties which the intrigues of the court excited, when there was no longer

any counterpoise against its manœuvres.

The dissolution of the ministry, which, from its want of efficiency, may be aptly compared with the Goderich cabinet in England, followed the prorogation within a few days. M. Portalis had kept vacant for himself the office of first president of the court of cassation, the highest judicial station in France. To the other members of the late cabinet, the distinctions usually accorded to retiring ministers were given, except to MM. Bourdeau, and Vatismenil, who had neither decorations, pensions, nor the titles of ministers of state. M. Chateaubriand, who had been ambassador at Rome, under the last cabinet, and had been spoken of as minister of foreign affairs—a post which he had formerly occupied, returned to Paris, to resume his old avocation, as a writer for the journals.

On the 9th of August, the following appointments were officially announced :

The Prince Polignac, minister of foreign affairs, in the place of M. Portalis ; M. Courvoisier, keeper of the seals and minister of justice, *vice* M. Bourdeau ; the Count Bourmont, minister of war, *vice* Viscount de Caux ; Count de Rigny, minister of marine, and the colonies, *vice* the Baron Hyde de Neuville ; the Count de la Bourdonnaye, minister of the interior, *vice*

M. Martignac. The Baron de Montbel, minister of ecclesiastical affairs and public instruction, *vice* the Bishop of Beauvais, and M. Vatismenil. The Count Chabrol de Crousol, minister of finance, *vice* Count Roy.

The ministry of commerce and manufactures were suppressed, and those of ecclesiastical affairs and public instruction were united.

M. de Rigny, who had acquired great reputation from the part that he had performed as admiral of the French squadron at the battle of Navarino, declined the proffered honour of a ministerial port-folio, and was replaced by M. D'Haussez, prefect of the Gironde, and a member of the chamber of deputies, where he had always sat as one of the *côté droit*, without, however, exhibiting any violence in his observations or conduct.

But, the ministry was decidedly ultra-royal, and some of its members were not free from personal reproach. M. de Bourmont was especially obnoxious to the army, over whom he was called to preside. After having been with the prince of Condé, at the commencement of the revolution, serving in the army of Vendée, and being engaged in many intrigues against the republic, he was, under the imperial government, taken into the favour of Napoleon, and made adjutant general of the army of Naples, and subsequently, a general

of division. On the restoration of the old dynasty, he immediately pronounced himself in favour of Louis XVIII., and was raised by him to the command of a division. During the hundred days, he solicited and obtained employment from Bonaparte; but on the eve of the battle of Waterloo, he abandoned his troops, and deserted to the Bourbons, whom he joined at Ghent. For this perfidy, he was, on the second restoration, assigned to the command of a division of the royal guards. He was subsequently made a peer, and, after the return of the Duke d'Angoulême from Spain, the army of occupation in that country was confided to him. This biographical sketch renders unnecessary all further comment on the new minister of war.

The most prominent individual in the cabinet was Prince Polignac, a name completely identified with the ancient régime, and with opposition to all the innovations of modern times. His mother, the celebrated Duchess of Polignac, was the governess of the children of the royal family, and the intimate friend and counsellor of the unfortunate queen Maria Antoinette, whom the persecutions of the revolutionists obliged her to quit, at the same time that count d'Artois, and the other princes, left France. Attached from his very birth to the person and fortunes of the present

king, M. de Polignac participates in his religious as well as political sentiments. He was implicated, as was also his brother, in the conspiracy of Pichegru, when he owed his life to the clemency of Napoleon, and the intercession of Josephine. He was said to have been also concerned in the extraordinary conspiracy, if conspiracy it can be called, of Mallet, in 1812, in which an individual, almost unassisted, was near overturning the most powerful government of Europe.— Since 1823, Prince Polignac had been ambassador at the court of London, from which post it was known to have been long the king's wish to remove him to a station of higher importance, and nearer the royal person. Indeed, from the first formation of the last cabinet, it was understood that the office of president of the council, which always continued vacant, was reserved for him.

Aware of the impressions associated with his name and history, Prince Polignac took every opportunity to announce his adhesion to constitutional principles. Early in the session of 1829, he made a speech in the house of peers on the liberty of the press, and declared that "if the editors of newspapers, or rather their advisers, could penetrate into his domestic establishment, they would be convinced

that his studies and his meditations had long been directed to the improvement of the existing institutions, which it was his anxious desire, should be the inheritance of his children."

With this assertion, however, neither the belief of the chambers, nor of the nation, corresponded. In his diplomatic career, the only one in which he had been at all favourably known to the country, Prince Polignac had always manifested a disposition to resist the extension of popular governments. In the conferences of 1823, with Mr. Canning, on the subject of the South American states, while the British secretary refused to put forward the adoption of any form of government, "as a condition of their recognition," the French ambassador proposed that the European powers should concert together, "to endeavour to bring back to a principle of union in government, whether *monarchical* or *aristocratical*, people among whom absurd and dangerous theories were now keeping up agitation and disunion."* As one of the members of the congress of the three powers, to whom the discussions on the execution of the treaty of mediation of the 6th July, were confided, M. de Polignac was always understood to incline as far towards the views of Great Britain, and as little to those

* Parliamentary papers, March, 1824.

of Russia, as the instructions of his government would permit. His private connexions with England, in which country he has been twice married, without liberalizing his views, either on politics or religion, were calculated to oppose an additional obstacle to his countrymen's favourable reception of him, as the head of the government of France. Besides the usual jealousy of English interference, the supposed influence of the Duke of Wellington over Prince Polignac, who is without any great redeeming talents, was calculated to increase the existing prejudices against him.— Even the approbation of the British press, was attended with results directly opposite to its avowed object.

The member of the cabinet, who ranked next in importance to M. de Polignac, was M. de la Bourdonnaye, minister of the interior, who had been one of the most ardent supporters of the extreme right, and who had consequently enjoyed the confidence of the zealous advocates of high monarchical principles. He had, however, been as ardently hostile to the Villèle ministry, as any of the liberal party, but on very different grounds, having reproached the government with hesitation, in engaging in the Spanish war, and with the recognition of Hayti, and their intervention in the affairs of Greece. It is to be observed, that M. de la Bourdonnaye's fraction of the old

royalist party, is not to be confounded with the *royalist secession*, (formed when M. Chaubriand was driven from the ministry, in 1824,) to which M. Hyde de Neuville, and others, whom we have heretofore named, belonged, and whose union with the *côté gauche* and *centre gauche* in the election of the chamber in 1828, raised M. Royer Collard to the presidency.

The few discussions in the chamber of deputies, to which we have referred, are sufficient to show that the difficulties with which the ministry had to contend in 1829, were similar to those encountered by them in the preceding year, and that it was not the legitimate power of the *côté droit*, that overturned them. It was then difficult to imagine, if a moderate ministry could not be sustained, because it was not sufficiently liberal, how a decidedly ultra-royalist one could obtain the requisite parliamentary support.

This subject seems to have early occupied the attention of the new cabinet. It is even reported that it was in contemplation to dispense with the legislature, and to resort at once to the power of the crown. Another idea that seems to have been seriously entertained was, to take advantage of the precedent of 1820, and add to the chamber a large number of new deputies, selected in such a way that the government might influence their

choice, and thus secure a preponderance. M. de la Bourdonnaye proposed a dissolution of the present chamber, and a new appeal to the electoral colleges, where it was hoped that by a union of all the royalists, who had been divided in 1827, a majority might be obtained. This course, however, as well as the preceding plans, were ultimately rejected; but a new measure of the king led, in November, to a slight change in the members of the administration.

However practicable it might have been to reconcile M. de la Bourdonnaye to a decision adverse to his views on a question of policy, the determination to give to Prince Polignac a decided pre-eminence, by making him president of the council, drove him from the cabinet. The place of the retiring minister was supplied, without altering the political complexion of the administration, which was now deemed to be completely under the direction of the devout party. The baron de Montbel, who had been elected to the chamber by the *congreganistes* of Toulouse, was transferred to the department of the interior; and M. Ranville, distinguished at Caen among the impetuous agents of the re-action of 1815, was made minister of ecclesiastical affairs and public instruction,—and thus constituted, we leave the French cabinet at the close of 1829.

We will finish the present chap-

ter with a few observations on the political state of the country, whose history we have now concluded.

The constant tendency of things in France, even since the revolution, has been towards the increase of the popular, at the expense of the monarchical, or rather, of the aristocratical elements of the government. Though theoretically similar, nothing can really be more unlike, than the practical operation of the English and French systems. In the former country, the nobility, enjoying, as we have had occasion to observe, when speaking of Great Britain, enormous patronage, both in church and state, constituting the one branch of the legislature, and controlling the other, consider the king as a mere pageant, to be used for the sole purpose of giving a formal sanction to their acts. They disregard the popular sentiment, unless, as was the case with respect to the Catholic question, apprehension of resort to the extreme measures of revolution, leads them to sacrifice to immediate self-preservation, their preconceived views of policy, or even to jeopard some of their exclusive advantages. In France, on the other hand, by the confiscation of the property of the old emigrants, and the operation for many years, of a system of descent, which, by making the distribution of real estate to a certain extent compulsory, even goes beyond our

own practical agrarian law ; few, if any, fortunes are to be found among the nobility adequate to give dignity and weight to the peerage. Nor have the French Dukes and Marquisses, for the members of their families, any of those sinecures, which enable the younger brothers of English lords to keep themselves aloof from those occupations, in which the primary object is the attainment of a livelihood.

As the legislature, under its present form, is a new institution, and as the Montmorencys and other historical names are placed, side by side, with the *novi homines* of the imperial dynasty, and the titles born by the members of the peerage are also possessed by thousands of counts and barons, who are without either property or political power ; there has been no revival of that reverence of the lower class for titles, which the revolution destroyed in France, but which seems to be inherent in an Englishman, whatever may be the political party, tory, whig, or radical, by which he may choose to distinguish himself.

While, however, the revenues of French peers, who depend on their patrimonies, are too inconsiderable to give them importance in the eye of the people, or even in many cases, to enable them to sustain the necessary expenses of private gentlemen, the prosperity of the com-

mercial and manufacturing establishments has placed in the hands of another class of the community, fortunes, which enable its members to assume much of that consideration, both social and political, from which the nobility are, by their poverty, excluded. The principle, also, on which the right of suffrage is established, (though, assuredly, the authors of the *charte* had not that object in view,) is well calculated to increase the power of the affluent and respectable merchants and manufacturers. While large portions of the old provincial nobility are prevented, by the high pecuniary qualifications demanded, from participating in the choice of deputies, the prosperous tradesman is sure of having his seat in the college of the *arrondissement*, and not unfrequently takes rank of a count, who can trace his lineage from the crusades, in the grand college of the department. As, too, this right of voting is limited to a very small number, it is felt as a vastly more important privilege, than where it is shared with every individual in the community. The elector, who, with only a hundred others, makes a deputy, feels that he is, in truth, a part of the real sovereignty of the nation, and that his opinion must be appreciated, and may have a direct effect on public measures. He is also, by his property, above the temptation of being influenced by merely sordid considerations ; while the

number of voters is too large, and the patronage of government too small, to admit of recourse to the expedients by which the control of boroughs is obtained in England.

It may be confidently asserted, that no country possesses a more independent body of electors, or men more thoroughly determined to assert what they believe to be their rights, than the members of the colleges by which the French deputies are chosen. As to what their constitutional rights are, there is undoubtedly much more abstract discussion in France, as has been hinted, than accords with the practical character of Englishmen, but the general dissemination of the principles of liberty has within a few years been unprecedentedly rapid there.— From what has been observed, it is evident that encroachments are scarcely to be apprehended from the aristocracy. On the contrary, as at present constituted, it is difficult to perceive how the house of peers will be able, even to maintain their chartered rights.

The sovereign, is viewed with less jealousy by the people, than the aristocracy are; and as he is, by circumstances, far removed from the mass of his subjects, and therefore not exposed, in ordinary cases, to direct collisions with them, he might, were he prudent, by giving to the merchants, agriculturists, and manufacturers of France, represented in the chamber of deputies,

the same power with respect to a ministry, which is virtually exercised by the aristocracy of England, long retain his rank and revenues.

But religion has probably had as much influence as politics in the recent ministerial changes in France. The revolution not only freed the minds of the people from the superstition and bigotry by which they were once enslaved, but the mass of the population, with the corruptions, rejected even the essential observances of the christian dispensation; nor has religion been since presented to them in a form calculated to command their ready acceptance. The royal family, on the other hand, probably clung to all the distinctive peculiarities of the catholic faith with the more earnestness, from the connexion which the revolutionists themselves recognised between the altar and the throne. Louis XVIII. a man of learning and judgment; overcame, as far as he was capable, the prejudices imbibed in exile; but his successor, Charles X., like James II. of England, between whose situation and that of the present sovereign of France a parallel has frequently been drawn, seems to have benefited but little by the experience of history. Himself an affiliated Jesuit, he is governed by the counsels of that renovated society, whom the laws of France exclude from the kingdom, but

who enjoy the friendship and protection of the monarch, and of his responsible advisers.

How it will be possible for the government, as at present constituted, to obtain a majority in any chamber, convened under existing laws—what would be the result of a *coup d'état*, if the deputies should refuse the necessary appropriations—are questions which we shall not attempt to solve. There are, certainly, many acute observers, as well in other parts of Europe as in France, who confidently believe that the parallels between the English and French revolutions are not

yet brought to a termination. As; however, our business is to record events, not to predict them, we shall not further dilate on this topic; but merely observe, that the late ministerial arrangements seem eminently calculated to promote the views of those who desire a change in the monarchical and aristocratical branches of the French institutions, or at least in the reigning dynasty. At the same time, it is to be remarked that no country of Europe, can be considered as more generally prosperous than France at the present day.

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CHAPTER X.

Russia.—Christianity contrasted with Islamism—British Empire in India—Holy Alliance—Russian and Ottoman Empires—Peter the Great—Catharine—Alexander—Peace of Paris—Sultan Mahmoud—Alexander Ypsilanti—Insurrection of Greece—Death of Alexander—Accession of the Emperor Nicholas—Insurrection in the army—Persian invasion—Campaign of 1827–8—Conclusion of peace—Treaty of Turk-mantchai.

In the reign of Octavius Cæsar, master of Rome, then mistress of the world, there appeared in a small and obscure province of the Roman empire, a man of humble birth, yet lineally descended from the kings of Judea ; born in the stable of an inn, yet born of a virgin, and announced to the world by the voice of angels as the saviour of mankind. The result of his appearance upon earth, was then declared by a multitude of the heavenly host, to be "*Glory to God in the highest, and on earth peace, good will toward man.*"

This man was the mediator of a new covenant between God and man. He was the founder of a new religion.

He proclaimed by a special revelation from Heaven, *the immortality of the human soul, a future state of retribution, and the responsibility of man hereafter, for the deeds done in the body.*

And he declared, that the enjoyment of felicity in the world hereafter, would be the reward of the practice of benevolence here. His whole law was resolvable into the precept of love ; peace on earth—good will toward man, was the earthly object of his mission ; and the authoritative demonstration of the immortality of man, was that, which constituted the more than earthly tribute of glory to God in the highest.

Such was the doctrine destined by its internal power, to subdue the masters of this world. Such was the kingdom founded upon a rock, against which he declared, that the gates of hell should not prevail.

But by what means, to what extent, through what vicissitudes, against what obstructions, and within the compass of what time, the Christian dispensation is to have its entire sway upon the moral and religious condition of the human fa-

mily, it was not within the purposes of Divine Providence to reveal. The prediction, that the gates of hell should not prevail, was a prophesy no less clear, that the gates of hell should be armed against it. That it should make its way against all the powers of earth, as well as against Beelzebub, the prince of devils, was with equal explicitness announced. Persecution, sufferance, and death, were freely held out, as the destiny of those, who should devote themselves to preach the gospel of glad tidings to man. The Lord of glory was himself a man of sorrows, and acquainted with grief. So little in harmony were his doctrines, and their first fruits, that he expressly warned his disciples, that he came not to send peace on earth, but a sword; and the first pledge of the universal triumph of his religion, was his own ignominious death upon the cross. The first conquest of the religion of Jesus, was over the unsocial passions of his disciples. It elevated the standard of the human character in the scale of existence. The Christian was taught, that the end of his being on earth, was the salvation of his soul hereafter. Compounded of never-dying spirit, and of perishable matter, he was taught to subdue his earthly passions; to purify his spirit by repentance; to give his immortal part entire control over the lusts of the flesh; to overcome the world of his

own vices, and to sacrifice the earthly pleasures of sense to the spiritual joys of eternity. On the Christian system of morals, man is an immortal spirit, confined for a short space of time, in an earthly tabernacle. Kindness to his fellow mortals embraces the whole compass of his duties upon earth, and the whole promise of happiness to his spirit hereafter. THE ESSENCE OF THIS DOCTRINE IS, TO EXALT THE SPIRITUAL OVER THE BRUTAL PART OF HIS NATURE.

Such was the doctrine of Jesus. But in revealing this system of morals to man, it was not the design of Providence to change his nature. It left him, as he had been created, a little lower than the angels. Left him with all the passions and propensities of his degenerate condition, since the fall. It was consistent with the divine purpose, that the operation of this system should be slow and gradual. That its conflict with the powers of the earth, and the gates of hell, should be long protracted; that it should be perverted by heresies and schisms; that it should be encumbered with the most portentous and incredible absurdities; that it should be for centuries oppressed and persecuted, by the dominion of the heathens; and that after having overcome principalities and powers, and in defiance of the Roman despotism, seated itself upon the throne of the Cæsars, it should encounter

the shock of a vile and sordid imposture; be expelled, not only from the region of its birth, but from two of the three quarters of the ancient globe; and for a period of twelve hundred years, (and how much longer, is yet among the inscrutable decrees of God,) to yield the dominion over the mind and body of man, throughout the largest portion of the earth, to Moloch and Chamos, "Lust, hard by hate," re-emerging from the polluted regions of human depravity, and propagating by fire and the sword, the base and degrading doctrine of immortal sensuality.

In the seventh century of the Christian era, a wandering Arab of the lineage of Hagar, the Egyptian, combining the powers of transcendent genius, with the preternatural energy of a fanatic, and the fraudulent spirit of an impostor, proclaimed himself as a messenger from Heaven, and spread desolation and delusion over an extensive portion of the earth. Adopting from the sublime conception of the Mosaic law, the doctrine of one omnipotent God; he connected indissolubly with it, the audacious falsehood, that he was himself his prophet and apostle. Adopting from the new Revelation of Jesus, the faith and hope of immortal life, and of future retribution, he humbled it to the dust, by adapting all the rewards and sanctions of his religion to the

gratification of the sexual passion. He poisoned the sources of human felicity at the fountain, by degrading the condition of the female sex, and the allowance of polygamy; and he declared undistinguishing and exterminating war, as a part of his religion, against all the rest of mankind. **THE ESSENCE OF HIS DOCTRINE WAS VIOLENCE AND LUST: TO EXALT THE BRUTAL OVER THE SPIRITUAL PART OF HUMAN NATURE.**

Between these two religions, thus contrasted in their characters, a war of twelve hundred years has already raged. That war is yet flagrant; nor can it cease but by the extinction of that imposture, which has been permitted by Providence to prolong the degeneracy of man. While the merciless and dissolute dogmas of the false prophet shall furnish motives to human action, there can never be peace upon earth, and good will towards men. The hand of Ishmael will be against every man, and every man's hand against him.

It is, indeed, amongst the mysterious dealings of God, that this delusion should have been suffered for so many ages, and during so many generations of human kind, to prevail over the doctrines of the meek and peaceful and benevolent Jesus. It is the dominion of matter over mind; of darkness over light; of brutal force over right.

eousness and truth. But divine justice finds not its consummation upon earth. Individual virtue or vice, receives much of its retribution after its mortal career has closed; and the rewards and punishments of nations are adapted to measures of time, extending over numerous successive generations, and many centuries of years.

The Christian religion is philanthropy leaning upon heaven. Philanthropy is the sentiment of benevolence towards his kind in the heart of man. But this sentiment, when expanded into action, consists not in submission to the will, or in yielding to the violence of others. Beneficence endures no dictation, and spurns at servitude: peace can only be maintained with the pacific; and the destiny of that doctrine which for its truth appeals only to the sword, *must* eventually be, by the sword itself to perish.

For a period of a thousand years the imposture of Mahomet was permitted to triumph. The shallow infidelity of the last age sprung to the conclusion, that this triumph was never to be reversed; and the short-sighted historian of Rome's decline and fall, sneering alike at the imposture of the pseudo-prophet and at the gospel of eternal truth, after affirming, that Mahomet, with the sword in one hand and the Koran in the other, had erected his throne on the ruins of Christianity and of Rome, regards the *event* as

a revolution, which has impressed a new and *lasting* character on the nations of the globe.*

Yet even at the time when Gibbon wrote, the Ottoman crescent had long been upon the wane. The imposture of the Arabian prophet had long been culminating from the meridian. Compared with christianity, it might even then have been known by its fruits—he might have spared the expression of his concern at the conquest by the Arabs of Syria, Egypt and Africa, and at his inability to check their victorious career, till they had overthrown the monarchies of Persia and Spain. The days of Saracen victory and conquest had passed away; and the annals of his own countrymen in India, as well as those of the Austrian and Russian empires, might have taught him, that even in the brutal and foul contest of arms, the man of Mahomet was no longer a match for the Christian man.

In the half century that has elapsed since the publication of that work, this truth, which a philosophical historian ought then to have discerned and traced to its causes, has been manifested in broader light from year to year. While the whole power of the British empire has been signally baffled by inglorious defeat, in the attempt to retain in subjugation three millions of their own countrymen and fellow Christians in North America; a

* Gibbon's Decline and Fall.

company of London merchants, under the patronage, though with little aid, of their government, have subdued in the far more distant regions of Hindostan, ten times as many millions of the disciples of Mahomet, or their subjects; and, as if Providence had specially intended to mark the contrast of glory and shame between the crescent and the cross, the same Christian chieftain who surrendered his sword to Washington at Yorktown, afterwards received as captive hostages the sons of Tippoo Saib, seven years before the extinction of his life and empire at the storm of Seringapatam.

In the successes of the British empire in India, but not in them alone, the philanthropist and philosopher may indulge a rational hope of perceiving the dawn of a new light upon the benighted children of man. Never, never, may the doctrines of the gospel be propagated by the sword; sufficient for them may it ever be, to be armed in celestial panoply, and to put on the whole armour of God. But let the sword of the impostor be broken. Let the fate of Tippoo Saib, or of his sons, be that of the last descendants of Mahomet; and the standard of the prophet henceforth prove as impotent to sustain his cause, as it has been when last drawn forth to repel the victorious approach of the Musco-

vite to the mosques and minarets of Constantinople.

It is with reference to these principles, and in the prospect of this consummation, that we are disposed to consider the events of the war scarcely yet concluded between the Russian and Ottoman empires. In comparison with these considerations, the question of the operation of these events upon the balance of power in Europe is but the dust of that balance. True it is, that in the frozen regions of the north, on the very borders of the frigid zone, the descendants from the Scythians and the Sarmatians of former ages, whence issued in swarms the barbarian conquerors of imperial Rome, a nation has arisen, at once of European and Asiatic origin, but bowing at the name of Jesus; retaining the rites of the primitive Grecian church; believing in the divine inspiration, and the indispensable moral and religious obligations of the sermon on the mount, of the parables of the good Samaritan and the prodigal son, and of the 12th chapter of Paul's Epistle to the Romans.

It is this, which essentially constitutes them Christians. They believe in the three persons of the Godhead. Yet they are unitarians, as unqualified as the believers in the prophet of Mecca. They believe in the real presence of the Eucharist, and the atoning blood

of Christ, and yet they believe that faith without works is dead. They believe that Christ crucified, is the power of God, and the wisdom of God. They believe that there abideth faith, hope and charity, and that the greatest of these is charity.

The government of this nation is an absolute military monarchy, with a permanent armed force little short of a million of men, and with a discretionary power in the sovereign, to summon to his service, for offensive or defensive war, a population of at least eight millions of able bodied men, ready to march at his summons, and to stand or fall by his banner, with the inflexible spirit of martyrdom.

It cannot be denied, that this nation is formidable to its neighbours, of the christian faith. It is formidable to the cause of human freedom upon earth. But, besides that, it is subject to the control of that being, from whom the revelation of the gospel of peace descended, it is surrounded by other christian nations, not less warlike than itself; more compact; more advanced in the arts and capacities of civilization, and enjoying, however diversified the principles and organization of their governments, a greater measure of actual freedom in the new and overruling power of intellectual refinement, and public opinion. To this enlightened public opinion of *Christianity*, the sternest despotisms of

christian nations, are compelled to bow their heads. To none, is it more sensible; over none, more influential, than the autocrats of Russia. Its power was intensely felt by the late emperor Alexander nor is there reason to believe, or fear, that its influence will be less propitious, or less efficacious, upon the mind and conduct of his successor.

That the principles of christianity will also have their purifying and restraining influence, upon the government of Nicholas and his successors, is as little to be doubted. That they were deeply impressed upon the heart of his predecessor, is certain. The league into which he entered, and of which he was the founder, denominated the holy alliance, unduly, though not unnaturally, excited the jealousies and the fears of the friends of freedom. They considered only the tremendous danger of the possible, and perhaps probable, abuse of such a league, and did not render justice to the profoundly conscientious and virtuous intention, which gave rise to it, in the heart of Alexander.

That league was formed at the moment, when the success of his arms, and of those of his allies was at the summit of its splendour. It was signed by himself, and his brother monarchs, in the city of Paris, then itself a memorable monument of conquest, mitigated by the principles of christianity.

The professed object of that contract, was a mutual pledge of faith between christian sovereigns ; that they would thenceforth govern their conduct toward each other, by the genuine precepts of their common Lord and Master. The design on his part was indeed holy. The purpose was sublime. Alexander is numbered with the dead. His virtues and his frailties are removed from earthly cognizance, and he has stood to account for them, before his Creator. His ear can no longer be flattered, nor his power propitiated, by the praise of his surviving fellow mortals ; but if, as in candour and justice, we believe that compact was conceived, matured and accomplished, in the sincerity of his soul—far from being adjudged, as it has been, a bond to rivet the fetters of servitude upon the nations of the earth; it will be accounted, by posterity, among the best and purest of his deeds.

The infidel denies it in vain—The system of ethics, and of religion, promulgated by “the Galilean,” has raised the standard of human power; as well as of human virtue, higher than that of any other portion of the inhabitants of the globe. On the North and South American continents ; in the native regions of the Ethiopian and the Moor ; among the populous myriads of Hindostan, and the still more ancient borderers on the wall

of Tartary ; in the fifth continent of Australasia, and in the scattered isles of every ocean, the man of christian birth and education, peers above his fellow mortals by the whole head, like Saul among the children of Israel. The extent of his power prescribes to him the measure of his duties. The first of his obligations is to himself : to persevere in the progress of self-improvement. High as he is already raised in moral worth, and physical energy, above the heathen Roman of the Augustan age, an endless prospect of higher attainment lies open before him, and the means of advancing in it, are held forth to him in the gospel.

His next duties are to his fellow men : to those whom he only, of all the tribes and nations of the earth, is bound by the law of his God to consider as his brethren ; as children of the same parent, doomed like him to a pilgrimage of probation here, but entitled, like himself, to look forward to a more joyful and glorious hereafter.

His superior acquirements have vested him with the privilege, and imposed upon him the obligation of becoming the teacher of his less enlightened fellow creatures ; to make them acquainted with the blessings within their reach ; and to lead them in the path of their own felicity. In the performance of this charge, the first and greatest obstacle which he now has to encounter, is the im-

posture of the pretended prophet of Mecca. As the essential principle of his faith is the subjugation of others by the sword; it is only by force, that his false doctrines can be dispelled, and his power annihilated.

For this end, we hope and believe, that the gigantic power of Russia has been maturing for a long succession of ages. Many centuries have elapsed, since the conversion of the Slavonian race to the Christian faith; but it is in modern times only, that they have been numbered among the European families; and since the accession of the house of Romanoff, or more properly, since the sublime conceptions and creative energies of Peter the Great, that they have formed a part of the political system of Europe.

They have been from time immemorial, in a state of almost perpetual war with the Tartars, and with their successors, the Ottoman conquerors of Constantinople. It were an idle waste of time, to trace the causes of each renewal of hostilities, during a succession of several centuries. The precept of the koran is, perpetual war against all who deny, that Mahomet is the prophet of God. The vanquished may purchase their lives, by the payment of tribute; the victorious may be appeased by a false and delusive promise of peace; and the faithful follower of the prophet, may

submit to the imperious necessities of defeat: but the command to propagate the Moslem creed by the sword is always obligatory, when it *can* be made effective. The commands of the prophet may be performed alike, by fraud, or by force. Of Mahometan good faith, we have had memorable examples ourselves. When our gallant Decatur had chastised the pirate of Algiers, till he was ready to renounce his claim of tribute from the United States, he signed a treaty to that effect: but the treaty was drawn up in the Arabic language, as well as in our own; and our negotiators, unacquainted with the language of the koran, signed the copies of the treaty, in both languages, not imagining that there was any difference between them.— Within a year the Dey demands, under penalty of the renewal of the war, an indemnity in money for the frigate taken by Decatur; our Consul demands the foundation of this pretension; and the Arabic copy of the treaty, signed by himself, is produced, with an article stipulating the indemnity, foisted into it, in direct opposition to the treaty as it had been concluded. The arrival of Chauncey, with a squadron before Algiers, silenced the fraudulent claim of the Dey, and he signed a new treaty in which it was abandoned; but he disdained to conceal his intentions; my power, said he, has been wrested from

my hands ; draw ye the treaty at your pleasure, and I will sign it ; but beware of the moment, when I shall recover my power, for with that moment, your treaty shall be waste paper. He avowed what they always practised, and would without scruple have practised himself.

Such is the spirit, which governs the hearts of men, to whom treachery and violence are taught as principles of religion ; and such has been the uniform character of the proceedings of the Ottoman Porte, towards their Russian neighbours.

That the sovereigns of Russia, since the time of Peter the Great, have occasionally indulged the just, and wise, and humane sentiment, that at some future day this execrable imposture of Mahomet, with its sword, and its koran, should be expelled at least from Europe ; and that the principal, if not the whole glory of the achievement, was reserved for them, is not to be doubted. That this sentiment was felt by Catherine the Second, the name of Constantine, given by her direction at the baptismal font, to the second of her grandsons, was received as no insignificant indication at the time. The guide post in Crimea, "this is the road to Constantinople," was not less intelligible ; but this sentiment has been far more profoundly spread, in the heart of the Russian people, than in that of their monarchs. In the

people it has been a sentiment of justice, of humanity, of christian sympathy, perhaps of national ambition : in the imperial breast, it has been shackled and trammelled by considerations of policy, by the jealousies of envious and rival christian neighbours ; perhaps by the philosophical spirit of the last century, which, under the fair and virtuous vizard of religious toleration, harboured a deadly hatred to christianity, and a secret devotion to the absurdest of all dogmas, the superstition of atheism. Indifference and contempt for all religions ; an overweening conceit of their own intellectual powers, was the characteristic of this anti-religious cabal, of which Voltaire was the founder, and Diderot, D'Alembert, Buffon, Hume, Gibbon, and Frederic the Second of Prussia, were the principal propagators. Catherine the Second, without sharing their speculative opinions, probably without understanding, or believing their purposes, which were the annihilation of all religion, to substitute philosophical atheism in its place, gave too much countenance to these perverters of human kind. She countenanced their doctrines ; she courted their applause ; she flattered them with her correspondence ; and she suffered herself to be wheedled, by the raillery of Voltaire, into an opinion that, as a philosopher and a sovereign, it became her to treat with

equal indifference, the religion of Mahomet, and that of Christ.

Her successor, Alexander, received from his education, and was adapted by his natural disposition, to a profound impression of religious obligations; but the circumstances of his times diverted his attention, in a great degree, from the struggle of life and death, inherent in the nature and composition of the Russian and Ottoman dominions. The European relations of Russia, and the wars consequent upon the French revolution, absorbed all the passions, and affections, of the soul of Alexander. Once drawn, rather by combinations resulting from them, than from the direct position of the two empires, towards each other, into a war with the Sultan; he was soon called from it, to the defence of his own territories, against the hostile invasion of Napoleon. That eccentric and daring adventurer, at the negotiations of Tilsit, had consented to the eventual expulsion of the Ottoman Porte from Europe by Russia; but his licentious and unbounded ambition, was alike incapable of restraining its own excesses, and of abiding by its own engagements. He repeated the attempt, and shared the fate of Cyrus, and of Charles the Twelfth. His stupendous fabric of conquest, and his air-drawn empire of the west, dashed themselves to atoms, upon the rock of Russian dominion; but it relieved for the

time, the tottering edifice of the Turkish power, and wasted the life of Alexander, in labours and cares, to preserve his country and his crown, from the inroads of a modern imitator, and self deluded rival of Charlemagne.

At the moment of the invasion of Russia by Napoleon, Alexander found it necessary to close, with unaccomplished aims, the war which he had been for three years successfully waging against Turkey: and from the imminent danger with which he was then menaced by the conqueror of Marengo, and Austerlitz, and of Friesland, the terms of peace obtained by the sultan were far more favourable, than he had any right to expect. Had it been possible for a sincere and honest peace to be maintained between the Osmanli and his christian neighbours, then would have been the time to establish it in good faith. But the treaty was no sooner made than broken. It *never* was carried into effect by the Turkish government. Its execution never was intended by the Sultan. The power of Russia, after the final peace of Paris in 1815, was so preponderant, that if a ray of wisdom could have penetrated the walls of the seraglio; the perfumed, ferocious, and voluptuous successor of the prophet, would have seen, that his safety consisted in his good faith, and that falsehood to his engagements with Russia

could not fail eventually to draw down punishment upon himself, and upon his people.

But in the harem of Mahmoud, there were counsellors who thought themselves profound, and who sought their own interest and aggrandisement by flattering the passions of their master; and at the entrance of the Sublime Porte, in the suburbs of Pera, there were diplomatic agents of the holy and other allies of Alexander, busy enough in stimulating the animosities, and encouraging the perfidy of the Turk. An overruling necessity, and events which it was not in human virtue to control, had made of Alexander, the most pacific and least ambitious of men, a conqueror even in Europe; and, at the congress of Vienna, he had experienced, in a secret league against himself, worthy of the weird sisters, what justice and what gratitude he had to expect from the policy of his royal brothers of the European alliance. By policy, and by inclination, he was, for the remainder of his days, devoted to the maintenance of peace; and, in the plenitude of his power, he submitted to many an indignity, and endured every injustice, rather than put forth his arm to chastise the insolence of the Turk, and do entire justice to himself and his country.

But envy and jealousy have no eyes to discern, and no heart to

appreciate virtue. The forbearance, and long suffering magnanimity of Alexander, obtained no credit for him in the cabinets of his allies. While stimulating the counsels of the Ottoman against him, they were conjuring up the spectres of jacobinism, to alarm him for the security of the European governments at home;—holding up the venerable institutions of oriental despotism, as entitled to all the privileges of legitimacy; and the lascivious and cruel religion of the impostor Mahomet, as a monument consecrated by prescriptive impunity, and rescued from christian retribution by the lapse of ages.

At two different periods, after the peace of Paris, the patience of Alexander was nearly exhausted, by the perverseness and prevarications of the Turkish government. In 1822, he had resolved to set bounds to his endurance. Exasperated by a persevering series of violence and injustice, his ambassador, by his instruction, had left Constantinople, and the voice of his people was calling aloud for war. At that moment, a despatch was addressed by Lord Castlereagh, to Sir Charles Bagot, the British ambassador at St. Petersburg, explicitly acknowledging the provocations, which had so justly exasperated the mind of Alexander, and the justice of any measures, which he might take to vindicate his own honour, and the violated rights of

his nation ; but drawing an elaborate and terrific picture of the dangers impending over the cause of legitimate government, and social order in Europe, and conjuring the emperor, in the name of humanity, and in mercy to the venerable institutions so recently redeemed from the ruins of revolutionary France, to suspend his hand, and spare the mouldering fabric of Mahomet, which in its fall must involve that of the feudal monarchies of Europe.

It requires an effort of charity, to believe that these apprehensions were seriously entertained by the writer of the despatch, or by the cabinet from whose policy it emanated. But it was artfully addressed to the feelings, and we must say, to the prejudices of Alexander, and disarmed him. He renewed the long protracted chicanery of negotiation with the Porte. He dismissed Capo d'Istrias from his councils ; disavowed the invasion of Moldavia by Alexander Ipsilanti ; discouraged and almost took part against the glorious declaration of Grecian independence, which auspicated the entrance of the year 1822 ; and beheld, apparently without a tremor of sympathy, the barbarous butchery of the patriarch, and of all the Greek Christians at Constantinople, perpetrated by refinement of insolence, and outrage on the holiest festival of the church,—the day consecrated to the commemoration of

the resurrection of our Lord and Saviour from the dead.

If ever insurrection was holy in the eyes of God, such was that of the Greeks against their Mahometan oppressors. Yet for six long years, they were suffered to be overwhelmed by the whole mass of the Ottoman power ; cheered only by the sympathies of all the civilized world, but without a finger raised to sustain or relieve them by the Christian governments of Europe ; while the sword of extermination, instinct with the spirit of the Koran, was passing in merciless horror over the classical regions of Greece, the birth-place of philosophy, of poetry, of eloquence, of all the arts that embellish, and all the sciences that dignify the human character. The monarchs of Austria, of France, and England, inflexibly persisted in seeing in the Greeks, only *revolted subjects* against a lawful sovereign. The ferocious Turk eagerly seized upon this absurd concession, and while sweeping with his besom of destruction over the Grecian provinces, answered every insinuation of interest in behalf of that suffering people, by assertions of the unqualified rights of sovereignty, and by triumphantly retorting upon the legimitates of Europe, the consequences naturally flowing from their own perverted maxims.

Year after year thus passed

away, the Greeks still maintaining their cause, amidst every discouragement, and against the whole force of the Sultan, who returned with insult, the forbearance of Alexander, and set at defiance, not only every sentiment of compassion for the Greeks, but all the stipulations of the treaty of Bucharest.

With the close of the year 1825, was closed the mortal career of the Emperor Alexander. The thread of his life had been of a mingled yarn, full of calamity, and full of glory. The holy synod of his church, at the period of the national deliverance from the invasion of Napoleon, had solemnly conferred upon Alexander, the title of *the blessed*, which his native good sense, and sincere humility, prompted him instantly to decline. Yet if virtuous intentions, a profound sense of the duties imposed on him by the station to which he believed God had assigned him, and the exercise of sovereign powers, in moderation and mercy, could confer benediction, he was blessed. It was his fortune to encounter and survive a series of the severest trials, that ever befell the lot of man ; and although not exempt from the frailties of our common nature, the benevolence towards man, which had been taught him, as a Christian, and the deep sense of his dependence upon a being mightier than himself, never deserted him.

By a series of events so extra-

ordinary, that piety, unmingled with superstition, might be justified in believing them ordered by the special dispensation of Providence, he was succeeded by his brother, not the next in birth, but the second from himself. It was not Constantine, though *predestinated* by Catharine from his birth, to unfold the Russian banner on the re-consecrated walls of St. Sophia. It was not Constantine, the Czarowitz, *predestinated* by Paul, to be his own immediate successor. The heart of Constantine, formed for other joys, and destined to other rewards than those of ambition, had impelled him, even before the decease of Alexander, to renounce his pretensions to the Russian throne ; and although upon that event, Nicholas, instead of availing himself of the renunciation of his brother, to grasp at the unhanded sceptre, had been the first to bind himself by the oath of allegiance ; Constantine had inflexibly persisted in his renunciation, and Nicholas, at the age of thirty, became suddenly, and almost as by a miracle, the monarch of fifty millions of his fellow men.

This accession to the throne was signalized by a military insurrection, immediately suppressed by his personal energy and presence of mind, though connected with a formidable conspiracy, organized against his predecessor, but of which the whole family of Romanoff were the destined victims. It

seemed as if a great convulsion of the moral and political elements of the empire, had been prepared for the moment when the crown descended upon his head, as a trial, by the will of Providence, of the firmness and vigour with which he was to wield the sceptre intrusted to his hands. Victorious over the rebels of his army, the most conspicuous of his qualities was the tenderness with which he spared the revolters, and the abhorrence which he manifested to the useless shedding of blood. "They shall make me neither tyrant nor coward," was the memorable declaration which accompanied the pardon of multitudes condemned to death; and it was the earnest of a reign destined with the blessing of Heaven to a career of glory, which a mere triumph over internal commotions never can confer.

Scarcely was the tranquillity of his empire restored, when he was called to the defence of his territories, against a Mahometan Persian invasion.

The first volume of this work, contains a narrative of the origin of this war, and its progress until the close of the year 1826.

The campaign of 1827 commenced by the siege of Erivan, between the lake of that name and the Araxes, first undertaken by general Boukendorf in April, and afterwards sustained by General Paskewitch, commander in chief of

the Russian army. The place was well defended, not only by a strong garrison, and magazines well stored, but by the unhealthiness of the climate, which, as the summer was advancing, began to manifest itself by sickness, more formidable to the Russian army than the sword of the Persian. At the end of June general Paskewitch thought it prudent to raise the siege of Erivan, even at the sacrifice of part of his military stores; but he soon afterwards undertook the siege of Abbas Abad, a more important fortress, also upon the Araxes. The Persian army, under the command of Abbas Mirza in person, advanced to the relief of this place; and General Paskewitch, crossing the Araxes with his troops, attacked and routed them in their position near Djevan Boulak. The resistance made by the Persian army was in no wise proportionate to the numbers engaged in the conflict. Their loss in slain and prisoners did not exceed five hundred men. But two days afterwards Abbas Abad surrendered. On the 29th of August a more obstinately contested action was fought between two large detachments from the respective armies, one under the command of Abbas Mirza, and the other under that of general Krasousky. Abbas Mirza, after failing to intercept a Russian convoy of battering artillery under General Sipiaguine, which had been sent

to reinforce general Krassousky at Djanghih, undertook the siege of Etchmiazine, where the sick of the Russian army had been left. It was in marching to the relief of this place that general Krassousky encountered the detachment of the Persians under Abbas Mirza. The Russians made good their way to Etchmiazine, but with the loss of part of their baggage, and of between twelve and fifteen hundred men killed and wounded, and some prisoners. The loss of the Persians was nearly double that number; and the remaining fragment of the detachment abandoned their works before Etchmiazine, and regained the main body of the army.

General Paskewitch now, on the approach of winter, determined to resume the siege of Erivan. On his way he took possession of the fortress of Sardor Abad, garrisoned by fifteen hundred men, under the command of Hassan Khan. After sending a flag of truce to solicit an armistice of three days, which was refused, Hassan Khan decamped with his garrison, and being pursued by the Russians, lost five hundred men killed, and two hundred left as prisoners in their flight.

On the 6th of October, General Paskewitch appeared before the walls of Erivan, and the trenches were opened on the night of the following day. On the 19th, the Russian imperial guard having

mounted the breach, the garrison suddenly laid down their arms, and surrendered prisoners of war.

The surrender of Erivan was a few days after, succeeded by that of Tauris, hastened by the insurrection of the populace, and the defection of the Sarbasian troops, which had driven Abbas Mirza to such desperation, that he had caused his magazines of provisions and ammunition to be destroyed, and his artillery to be carried away. These measures so exasperated the people of Tauris, that upon the disbanding the Sarbasian troops, the palace of Abbas Mirza was pillaged by the populace, and the inhabitants of the city, preceded by their Imauns, went forth to receive the Russian troops as their deliverers.

Soon after the surrender of Tauris, a negotiation for peace was commenced by Abbas Mirza, who sent his caimacan to the head quarters of general Paskewitch, with full powers to that effect. The treaty was soon concluded, and received the sanction of the prince. It was transmitted to Teheran for the ratification of the Schah: With that infatuated and faltering imbecility, the usual indication of falling empires, he declared his assent to its articles, despatched a part of the stipulated indemnity for Taurus, and then withheld the ratification he had promised, and sent Mirza

Abad Hassan Khan as a special plenipotentiary to the Russian general, to declare, that, unless the Russian army should withdraw to the left bank of the Araxes, and evacuate the province of Adhëbidjan, the Schah would neither pay the indemnity, nor ratify the treaty, the conditions of which he had accepted. The absurdity of this attempt of the Schah to have the appearance of dictating the terms, to which he had been compelled to subscribe, was not less remarkable than its bad faith. The Russian general had stipulated by the treaty, to do, upon its ratification, that which the Schah now required as a preliminary condition. Had the position of the parties been reversed, and the Russian general been receiving the law after irretrievable defeat, such a change of preliminaries after agreeing to them, would have been an act of perfidy, which power might have protected from punishment; but to the declaration of the plenipotentiary Hassan Khan, general Paskewitch could return no other answer than that the conferences were at an end, and that hostilities would immediately recommence.

They were accordingly recommenced, and in the midst of winter Major General Paukratieff, on the right bank of the Araxes, took possession without resistance of the town of Ourmior, the 27th of January 1828; and Lieutenant General Suchtelen on the left bank, did but

appear before the fortress of Ardebil, the strongest place in Azerbidjan, when the gates were opened to him on the 7th February, by the Persian governor. In the meantime, the senses of the Schah had returned to him, and foreseeing the consequences of his own folly in rejecting the terms, which the moderation of the conqueror had granted; he sent immediately to General Paskewitch, the assurance of his earnest desire for the conclusion of peace, and promised the immediate remittance of the stipulated pecuniary indemnity, half of which had already arrived at Miana. He transmitted, at the same time, to Abbas Mirza, plenary powers for the conclusion of the treaty. The peace was accordingly concluded at the village of Tourkmontchai, on the 22d of February 1828, by General Paskewitch, and the counsellor of state, Alexander Obrescöff, on the part of Russia; and by Prince Abbas Mirza on the part of Persia.

By this treaty, that of Gulistan was expressly superseded: the Persian Schah ceded to Russia, the Khanot of Erivan, on both banks of the Araxes, and the Khanot of Nakitchewan: a new line of boundary, following the summit of mountains and the course of a large river, gave to Russia all the waters flowing from those mountains, into the Caspian sea, leaving to Persia the descent of the mountains, and the waters flowing on the opposite

sides : an exception was made for the fortress of Abbas Abad, on the right bank of the Araxes, with which a radius of a half agatch or $3\frac{1}{2}$ wersts of territory in all directions, remained exclusively to Russia. All the countries and islands situated between this line of boundary on one side, and the summits of the mountains of Caucasus and the Caspian sea, with the wandering tribes and others inhabiting those countries, were acknowledged as belonging to Russia. A sum of twenty millions of silver rubles was stipulated to be paid, as a pecuniary indemnity to Russia, for the losses and damages of her subjects, sustained by the war. On his part, the Emperor Nicholas engaged to acknowledge Prince Abbas Mirza, as the successor designated by the Schah, and presumptive heir of the crown. The navigation of the Caspian sea, for commercial purposes, was recognised as belonging to both nations ; but the right of navigating it with ships of war, was exclusively reserved to Russia. A separate act annexed to the treaty, regulated the commercial relations between the two countries. The mutual liberty of the parties, to maintain consuls within the dominions of each other, was modified by the engagement, that the Russian consuls in Persia, should not have a suite of more than ten persons ; and that in the event of any complaint, well founded against them by the Persian government, their functions shall be suspended, by the Russian minister or charge d'affaires at the Persian court, and transferred provisionally, to any other person whom he should think proper. All commercial transactions between the subjects of the parties suspended by the war, were agreed to be resumed, and completed conformably to justice. After the conclusion of the peace, all debts and credits, whether between individuals, or due from the respective governments, were to be speedily and entirely liquidated. A term of three years was allowed, for the respective subjects of both Empires to sell their immoveables, or to exchange them, on both banks of the Araxes. But the Emperor of Russia excepted from the benefit of this stipulation the former Sardar of Erivan, Houssein Khan, his brother Hassan Khan, and Kerine Khan, former governor of Nakhichevan. The prisoners of war on both sides were to be restored within four months ; but any such as might not be recovered within that time, might be reclaimed at any time afterwards. Deserters from either side, before or during the war, were not to be delivered up ; but each party reserved to itself the right of prohibiting the residence in the ceded territories, of individuals of distinction, who might be pointed out by the other as dangerous, or obnoxious. A full and

entire amnesty was stipulated by the Schah, to all public officers and other inhabitants of the Province of Adzerbaidjan. No one was to be prosecuted or molested for his opinions, acts or conduct, during the war, or while the province was occupied by the Russian troops. A year was to be allowed them to remove with their families, into the Russian territories, and to export or sell their moveable goods, and a term of five years for the sale of their immoveables. There was an exception with regard to any persons, who within the year might be guilty of any offence punishable by law.

In the manifesto of the Emperor Nicholas, proclaiming the treaty, he says—

“Our object was to secure to the empire, a strong and natural barrier on the side of Persia; to obtain a complete indemnity for all the losses occasioned by the war, and thus to discard all the causes which might lead to new hostilities. For us, one of the principal results of this peace, consists in the security which it warrants to a part of our frontiers. It is in this respect alone that we perceive the usefulness, of the new territories acquired by Russia. Every thing not adapted to that end, in our conquests, has by our order, been restored immediately on the fulfilment of the conditions of the treaty.

“Other essential advantages

flow from the stipulations in favour of commerce, of which we always consider the free enlargement, as one of the most productive causes of industry and of labour, and at the same time, as the true guaranty of a solid peace, founded upon an entire reciprocity of wants and interests.”

“To him who rules the destinies of empires, belongs the humble tribute of our profound gratitude; let all our dear and faithful subjects, beholding the signal marks, and the favour and protection of the Most High, in the events of this war, and in its happy conclusion, bring to his altar their most fervent prayers, that this peace, the work of Providence, may be firm and lasting, and that his holy will may assist us in maintaining repose and tranquillity upon our borders.”

The spirit and temper of this proclamation is not the least glorious of the triumphs, which crowned the termination of the Persian war. We now pass to scenes of deeper interest, a more arduous struggle, and *more momentous consequences*.

In closing this chapter, it will be proper to mention, that during the war between Russia and the Porte, the pacific relations so recently restored between Russia and Persia, remained uninterrupted; though shortly after their renewal, an incident occurred, which might easily

have rekindled the flame of war. On the 12th of February, the Russian minister at Scheran, with all the members of his legation excepting the first secretary of legation, Malzoff, and three others, were murdered in his house by a sudden popular commotion, excited by a quarrel between some of his servants, and some of the inhabitants of the city. To atone for this disaster, the Shah sent one of his own grandsons, prince Khosrew Mirza, son of Abba Mirza, in solemn embassy to St. Petersburg, where, on the 22d of August, he

was received in state, by the Emperor Nicholas, and addressed to him a speech expressing the deep abhorrence felt by his grandfather, of this outrage upon the laws of nations, in the person of the Russian minister. The speech was delivered in the Persian language, and a translation of it in Russian, was read to the Emperor; whose vice chancellor, count Messelrode, in his name and presence, read in Russian, a suitable and gracious answer, which was immediately interpreted to the ambassador in his own language.

CHAPTER XX.

RUSSIA AND TURKEY—NEGOTIATIONS.

Conferences at Ackerman—Mediation for Greece—Treaty of London of 6th July, 1827—Treaty of Ackerman—Battle of Navarino—Conduct and policy of the Sultan—Manifesto of Russia declaring war—Conduct of the British Cabinet—Manifesto of the Sublime Porte—The two Manifestoes compared.

It has been stated, that at the time when the mortal career of the late emperor Alexander was immaturely, if not prematurely, arrested at Taganrog, his forbearance, and deference to the jealous policy of his European allies were exhausted. Long enough had he closed his ears against the cry of oppression endured by the christian sufferers of Greece. Long enough had he borne the insolent prevarications of the Turk, in violation of the rights of his Russian subjects; and in contempt of the faith of treaties. He had determined to take the cause of justice into his own hands; and in preparing a lesson of chastisement for the Turk, he found himself necessarily drawn to the policy of associating the cause of Greece with his own. The cabinets of his allies were not uninformed of this his determination.

They became alarmed, not only for the fate of the Ottoman empire, but for the inevitable prospect that the pacification of Greece would fall exclusively into the hands of Alexander. The Greeks themselves, in their desperate and unfriended conflict, had implored the interposition of the French and British governments, to rescue them from total and impending destruction. Until the death of Alexander, they had implored in vain. At the accession of Nicholas, those cabinets were fearful that *he* might at once adopt a more decisive policy, to which he was prompted by the undisguised wishes of his people, and by those indications of a restless and turbulent spirit in the army, disclosed by the conspiracy recently organized against his predecessor.

Immediately after his accession, the emperor Nicholas had informed

the Russian ministers at all the European courts, that he should continue the general course of policy, which had been established and pursued by his brother. Conferences were soon afterwards opened at Ackerman, for the adjustment of the differences between the Russian government and the Porte ; and the duke of Wellington was sent by the British government on a special embassy to St. Petersburg, ostensibly to compliment the emperor Nicholas upon his accession to the throne ; but in substance to press upon the Russian government the importance to the general peace of Europe, of the preservation of the Russian peace with the Porte, and to come to an understanding upon the terms, on which the leading Christian powers of Europe should interpose in the affairs of Greece. This was settled by the protocol of the 4th April, 1826, signed by the Duke of Wellington for Great Britain, and by Prince Lieven and Count Nesselrode on the part of Russia. The substance of this arrangement is given in the second volume of this work,* as well as the course of negotiations under it, until it was matured into the treaty of London of 6th July, 1827, and the subsequent destruction of the Turkish fleet at Navarino on the succeeding 20th of October, by the combined squadrons of Great Britain, France and Russia, the parties to that treaty.

In the meanderings of the human heart, and in the labyrinth of state policy, may be found the clue to this protocol of 4th April, 1826, matured into the treaty of 6th July, 1827. It was an anomaly in diplomacy ; a triple alliance against one of the parties to it. A bargain by which, under the ostensible pretence of interposing to re-establish peace between the Ottoman Porte and the people of Greece, Great Britain and France intended to tie the hands of Russia, and thus prevent her from emancipating Greece entirely from the thralldom of Turkish oppression. To this treaty the ministers of the emperor Nicholas subscribed. The sovereign of Russia suffered his hands to be bound, as the hands of Samson were bound by the Philistines, because they had discovered the secret of his strength. We do not mean to scrutinize this masterpiece of European cabinet policy ; but we must say, that as respected the Greeks, the principle of the compact was unsound and unjust. We say this, because we believe that it never will and never can be carried into effect. We say this, because the same principle has been perseveringly pursued in the protocol of the 22d of March, 1829, when, if the Sultan had ever been entitled to the benefit of it, he had forfeited all claim to it by his repeated rejection of the allied mediation till after the battle of Navarino, and after com-

* Vide 2nd vol. page 422.

menacing the war against Russia. The Greeks accepted this mediation of the allied powers. What else could they do? It was their only alternative from total destruction. The Sultan too, when the Russians had dictated to him their terms of peace at the gates of Constantinople, has accepted this joint mediation. And now that they are all bound to the basis of the protocol of 22d March, 1829, they are finding, or will find it, totally impracticable of execution.

The principle of the protocols, and of the treaty of the 6th July, 1827, was, that the Greeks were a people in revolt against their lawful sovereign. The principle of the allied interposition was, that the Greeks should be rescued from destruction; partly rescued from Ottoman oppression; but punished as a revolted people;—punished by perpetual tribute to the tyrants, from whose dominions they were to be delivered. We say, that this principle never can be carried into effect; and it is more in sorrow than in anger, that we add our conviction, that the responsible party, for the introduction of the principle, is Great Britain. That a prince, like the Emperor Nicholas, born and educated under the opinions and prejudices of an absolute monarchy, should too readily assent to the principles, that nations have no primitive rights; that passive obedience is under all possible circumstances

the duty of the subject; and that all resistance of a people against their government is, and must be punishable rebellion, however painful to philosophy and philanthropy; and however lamented by us, cannot be surprising. While we love to indulge the hope and belief, that he is destined to accomplish great and beneficent purposes of providence; and that he will yet rise superior to that monarchical prejudice, we acknowledge that his adhesion to it, imports neither absurdity nor inconsistency in *him*. But this is not the doctrine of the British constitution; nor is it a doctrine worthy of a British statesman. The Duke of Wellington once undertook, in the face of civilized man, to give a moral lecture to the French nation. Let him learn, himself, that his laurels will wear far greener in the eyes of future ages, for his homage, reluctant and late as it was extorted from him, to the rights of human kind, in his concessions to the Catholics of Ireland; than in his cold and heartless policy of dooming the Christian Greeks to groan under the burden of perpetual tribute to their oppressors, even by the act of extending the hand to deliver them from the oppressor. The Greek revolution was provoked not by single acts, nor by single years, nay, nor by single centuries of tyranny; but by the unremitting and merciless scourge of three hundred years.

The condition of the Catholics of Ireland, before the late concession of tardy justice to their claims, was yet a condition of ease and comfort, in comparison with the condition of the Catholics of Greece, under the harrow of the Ottoman Koran. The settled, irrepressible, inextinguishable voice of public opinion, sounding, like the trump of God upon Sinai, louder and louder, till it appalled the hearts of heroes, burst asunder the bars of intolerance which excluded the Irish Catholics from their rights; and the Duke of Wellington himself may thank his fortune, for the fairest wreath of his fame, as the first to open to the country of his nativity, the doors of religious freedom. It had been barred against them by tyrannic laws, extended even to the coronation oath of the British kings. The right of the Irish Catholics, was paramount to these. It was the primitive, imperishable, unalienable right of worshipping God, according to the dictates of their own consciences, without encroaching upon the same right in others. To that right the Duke of Wellington himself sacrificed his policy and his prejudices, in his concession to the Catholics of Ireland. And more honourable would it have been for him, and for the cabinet which he represented in April, 1826, at Petersburg, if, in yielding to the call for succour from the Greeks, they had remembered the principles of their own revolution

of 1688; and represented to themselves, what would have been the temper and conduct of the British nation, if as a price for recognising the house of Hanover as kings of Great Britain; France, and Russia, and Austria should have combined to impose upon the British nation, a perpetual tribute to the discarded family of Stuart.

To the protocol of the 4th of April, 1826, Great Britain and Russia only were parties. In the treaty of the 6th of July, 1827, France likewise concurred. In the meantime, a momentary adjustment of the differences between Russia and the Porte, had been effected, by the treaty of Ackerman, signed on the 25th of September, 1826, together with two separate acts, given in the preceding volume of this work.

The treaties of Ackerman were little more than new engagements for the fulfilment of previous treaties and promises on the part of the Turks. The first article of the convention expressly declares, that its sole object is to serve for the determination of the precise sense, and to corroborate the tenor of the treaty of Bucharest. The second article provides for the execution of an arrangement agreed upon between the ministers of the Porte and the Russian envoy at Constantinople, on the 21st of August, 1817, modifying the 4th article of the treaty of Bucharest, in relation to the great island of the

Danube, opposite to Ismaili and Keli. The third article of the convention, and the separate act concerning Moldavia and Wallachia, contain stipulations merely confirmative of the fifth article of the treaty of Bucharest, and the Hatti Sheriff of the Sultan, in 1802, specifying and guarantying the privileges of the inhabitants of those provinces. The fourth article, refers to the sixth of the treaty of Bucharest, stipulating the restoration by Russia of certain fortresses and castles, taken on the Asiatic frontier, by the Russian troops, in the course of the preceding war; acknowledges that Russia had restored them after the peace; provides for the permanency of the boundary, and for a mutual arrangement, within two years, to maintain the tranquillity and security of the respective subjects. The fifth article, and the separate act relating to Servia, re-promise on the part of the Sultan, the execution of the third article of the treaty of Bucharest, and engage to regulate within eighteen months, in concert with a Servian deputation at Constantinople, the arrangements for securing to the Servians, the privileges stipulated in their favour. The sixth article, provides for the appointment of commissioners to liquidate and settle the claims of Russian subjects upon the Turkish governments, for depredations of pirates, and confiscations of pro-

perty, preceding the war of 1806, as had been stipulated by the tenth article of the treaty of Bucharest; and for other acts of the same nature, comprising those which had taken place since the year 1821. It adds a stipulation, that the commissioners shall close their labours, and that the gross amount of the indemnifications awarded by them, shall be remitted to the Russian legation at Constantinople, within eighteen months from the ratification of the convention. The article closes with a clause of formal reciprocity, in behalf of the subjects of the Sultan. The seventh article contains commercial arrangements, respecting indemnity for the depredations of the Barbary pirates of Algiers, Tunis and Tripoli; and reiterates prior engagements of the treaties of commerce and of Jassy, confirmed by the third and twelfth articles of the treaty of Bucharest. The Porte stipulates,

1st. To prevent the disturbance of the Russian commerce, by the Barbary regencies; and if any such should occur, to cause restitution to be made, or in failure thereof to pay the indemnity from the imperial treasury itself.

2d. To permit to Russian subjects, freedom of commerce and navigation in the seas and waters of the Ottoman empire, conformably to the treaty of commerce and other previously existing treaties.

3d. Referring to the first, thirty-first, and thirty-fifth articles of the treaty of commerce, to secure to Russian subjects, the free passage of their vessels through the canal to Constantinople.

4th. The Porte accepts the good offices of Russia, for according the entry of the Black sea, to the vessels of powers friendly to the Ottoman government, in such manner as may not be injurious to the trade of Russia.

The eighth article, again declaring the convention merely explanatory of the treaty of Bucharest, stipulates for the exchange of ratifications within four weeks, or sooner if possible.

This minute analysis of all the engagements of the treaty of Ackerman, may serve to rectify the misrepresentations of British and French journalists, pamphleteers and political essayists, concerning the relations between the Russian and Ottoman empires. Slurring over the habitual disregard by the Turks, of their most solemn engagements, they perceive in the policy of Russia, nothing but an unvarying system of encroachment upon the Ottoman territories. In the treaty of Ackerman, a temporary adjustment was made of all the subjects of difference between the two countries; and it consists entirely of a series of articles, re-stipulating the performance of en-

gagements, time after time contracted by the Sublime Porte, and never fulfilled. There is not in the treaty of Ackerman, the remotest allusion to any complaint of wrongs done, or engagements unexecuted, on the part of Russia.

But the treaty of Ackerman was not more respected by the Sultan, than the preceding compacts, which its object was to confirm. Before the Protocol of the 4th of April, 1826, the mediation of Great Britain had been offered to the Porte for the pacification of Greece, but without success. The protocol itself, was communicated confidentially to the governments of Austria, France and Prussia, with the invitation to them to concur in the final settlement of the affairs of Greece, upon the principles therein set forth. This invitation was formally accepted by France, and the principles of the protocol were approved by Prussia and Austria; the latter of which powers, promised to support the representations to be made to the Porte by the allies, though separately from them. The proposed mediation of the two powers was first offered to the Turkish government, by Mr. Stratford Canning, who had previously offered the intervention of Great Britain alone. It was shortly afterwards supported by the Russian envoy, who arrived at Constantinople after the

conclusion of the convention of Ackerman ; and upon the subsequent arrival of M. de Ribeaupierre, he and Mr. Canning, jointly made to the divan confidential communications of the protocol of the 4th of April, 1826, itself, the accession to which, by the Porte, was urged by the simultaneous representations of the ministers of Austria, France and Russia.

But the Turkish government had adopted the opinion, that this interposition of christian powers in behalf of the Greeks, was, with the single exception of Russia, insincere. This opinion had been countenanced by the previous conduct of those powers, from the beginning of the Greek insurrection. The first impulse of feeling, of humanity, of mercy, upon that event, in the heart of Alexander, was a sentiment of sympathy with the Greeks, which the policy of his allies never permitted him to indulge. That policy was dictated by their jealousy of his power ; by the fear that the result of Grecian emancipation would be the aggrandizement of Russia ; and there is too much reason to believe, that they not only discountenanced, by all the means in their power, the cause of the Greeks, but earnestly laboured to impress upon the Porte, the opinion that *their* interests was scarcely less involved in the maintenance of the sultan's authority over his revolted subjects, than his

own. He knew that in 1822, the British government had, in a manner almost peremptory, interposed to arrest the arm of Alexander ; that the fear of jacobinism and of the Carbonari haunted the imagination of prince Metternich and his master ; and that France, England, and Austria, were all far more fearful of the ascendancy, which independent Greece would necessarily give to Alexander, than of the total extermination of the christian name and blood in that unhappy region ; a region, not the less obnoxious to the prejudices of Austrian diplomacy, for having been the birth place of moral philosophy, and of high souled freedom.

The answer of the Reis Effendi, delivered on the 9th and 10th of June, 1827, to the communication of the protocol of the 4th of April, 1826, clearly proved that the political casuists of Constantinople had been neither idle nor inapt pupils in the school of legitimacy. A Turkish state paper, retailing forth to the monarchs of Europe, the doctrines which they themselves were using and abusing, to justify their own practices, in suppressing the revolt and smothering the freedom of the people, was a novelty in the annals of diplomacy and of legislation, which the awful solemnity of the controversy could alone protect from derision. In the contest of argument, the sultan turned upon the kings of European

christendom their own batteries ; and it must be admitted, that the Nizan Djedid of European discipline, was adopted by the Sublime Porte, in the field of argument with the ambassadors, far more successfully, than the unfortunate Selim had found the attempt to introduce it into his armies.

In totally and decisively rejecting the interposition of the European powers for the pacification of Greece, the diplomatic wrangler of the Porte had, indeed, only to remind the allied sovereigns of their own principles. He told them, that mediations were suitable only to controversies between sovereign and sovereign : that the question between the Sultan and the Greeks was only a question between a sovereign and rebellious subjects. That religion had nothing to do with it. That foreign powers had no *right* to interfere in it ; and that he had on a former occasion declined an offer of assistance from one of these volunteer mediators, to suppress that very rebellion, because he had chosen to reserve to himself *all* the pleasure of chastising his undutiful subjects. There is a vein of grave and thinly covered sarcasm, running through the whole of this communication from the Reis Effendi, as if it was intended at once for a refutation of the arguments, and a satire upon the principles of the allies.

The reply to the note of the Reis Effendi, was the treaty of London of 6th July, 1827, between Russia, Great Britain and France.

With the most entire respect for the high contracting parties to this treaty, we are compelled to remark, that it neither indicated the real motives, nor assigned the real causes, nor disclosed the real purposes, of their interposition between the Turkish sovereign and his Grecian subjects.

The motives assigned in the preamble of the treaty are, the protection of the commerce of the parties from piracies ; the pressing request of the Greeks to the kings of France and Great Britain for their interposition ; and the desire of the three sovereigns to arrest the effusion of human blood, and the other evils which might arise from the continuance of the existing state of things. But the suppression of occasional piracies, and the stoppage of the effusion of human blood, would, if they could justify one power in its interposition between the government of another and its revolted subjects, always afford the same motives in every war that might arise. The request of the Greeks was certainly no new thing. They had for years and years before, urged the same request to deaf or unlistening ears. The real motive of the treaty was to tie the hands of the

Emperor Nicholas, and to deprive him of the glory of effecting the total emancipation of the Greeks.

The first article provided that the contracting powers, immediately after the ratification of the treaty, should, through the medium of a joint declaration of their ministers at Constantinople, offer to the Porte their mediation, with the view of effecting a reconciliation between the Sultan and the Greeks; and they were, at the same time, to demand of both the parties, an immediate armistice between them as an indispensable preliminary condition to any negotiation.

The second laid down the basis of the arrangement to be proposed to the Porte; which was, that the Greeks should remain under the merely nominal sovereignty of the Sultan, to be realized only by the payment of a certain yearly tribute: That they should be governed by authorities chosen by themselves, but in the nomination of whom the Porte should have a determinate voice; and that the Turkish property on the continent, or in the isles of Greece, should be transferred to the Greeks for a suitable indemnity to the proprietors.

The third stipulated that the details of the arrangement, the limits of the Grecian territory on the continent, and the islands to be included with it, should be settled by a subsequent negotiation.

The fourth, that the ministers of

the contracting parties at Constantinople should immediately be furnished with instructions, for the execution of the treaty.

The fifth, that the contracting powers, in the arrangements to be made, would not seek any augmentation of territory, or exclusive influence for themselves, or peculiar advantage for their own subjects.

The sixth, that the final arrangements of peace, between the Sultan and the Greeks, should be guaranteed by such of the signing powers as should judge it useful or possible to contract the obligation, and referred to future negotiation for the "mode of the effects of this guaranty."

The seventh promised the exchange of ratifications within two months.

But the marrow of this treaty was contained in an additional, and professedly secret article, which was to take effect if the Ottoman Porte should not accept within the space of one month the mediation to be offered. In that event, the high contracting parties agreed,

First, that their ministers at Constantinople should declare to the Porte, that the state of affairs in Greece, having lasted six years, without prospect of its termination, imposed upon the high contracting parties the necessity of taking immediate measures for an *approximation* with the Greeks. This approximation was explained to mean,

the establishment of commercial relations, by sending to them, and receiving from them, consular agents.

Secondly, that if either Turks or Greeks should refuse the armistice proposed in the first article of the public treaty, the high contractors should declare to the refractory party their intention to *exert all the means which circumstances might suggest to their prudence*, to establish an armistice de facto ; and that instructions should be sent accordingly to the admirals of their squadrons in the seas of the Levant. The battle of Navarino is the exposition of whatever obscurity there may be in the phraseology of this stipulation.

Thirdly and finally, if the Porte should persist in rejecting, or the Greeks should renounce the benefit of these arrangements, the high contracting powers should still persevere in their endeavours to effect the work of pacification, on the bases thus agreed upon between them.

Although this treaty led immediately to its inevitable result, the destruction of the Turkish fleet at Navarino ; it is plain from all its provisions, that such an event was not intended or expected by the high contracting parties. They believed that its result would be to overawe the Sultan, and extort from him a suspension of hostilities, without requiring that a blow should

be struck on the part of the allies. But how little of real concert there was between them, is sufficiently indicated by the fact, that within a fortnight after the conclusion of the treaty, the secret article, as well as the rest, crept into the public newspapers of London, and the high contracting parties have never been able to discover, which of them it was that betrayed the others by divulging their secrets to the world.

It has been related in the preceding volume of our work, that the substance of this treaty was communicated in the month of August, next succeeding its conclusion, to the Greek government, which immediately accepted the mediation of the allied powers ; and to the Sublime Porte, by whom it was decidedly rejected. The Ambassadors of the contracting parties, in their note of the 16th of August, to the Reis Effendi, had expressed themselves in terms which, if the Turk had believed them sincere, were intelligible enough, and which, if he had weighed their consequences, might well have brought him to a pause. They said, "it is their duty not to conceal from the Reis Effendi, that a new refusal, an evasive or insufficient answer, even a total silence on the part of his government, will place the allied courts under the necessity of recurring to such measures, as they shall judge most efficacious for putting an end to a state of things, which is

become incompatible even with the true interests of the Sublime Porte, with the security of commerce in general, and with the perfect tranquillity of Europe." To this note, they required a categorical answer within fifteen days. On the 30th of August, they sent their dragomans to receive it. The Reis Effendi gave only a verbal answer, referring to his manifesto of the 9th of June, and declaring the adhesion of his master to its principles. The next day, the ambassadors, in another note, gave formal warning to the Porte, that in consequence of its refusal, their sovereigns would take the necessary measures to carry the treaty into execution, and enforce a suspension of hostilities; *but without in any manner interrupting the friendly relations subsisting between them and the Turkish government.* The Reis Effendi repeated the rejection by the Porte, of these friendly offers; and preparations for defence were made along the Bosphorus, and the Dardanelles. On the 10th of September, the ambassadors notified the consulates of their respective governments, for the information of the merchants, that orders would immediately be sent to the admirals of the allied squadrons, to act upon the regulations set forth in the treaty of the 6th of July; but that while resisting any attempt of the Turks to send supplies and succours to the Morea, the com-

bined fleet would in no other event commence hostilities against Turkish or Egyptian vessels. Four days afterwards, at another conference of the dragoons with the Reis Effendi, they found him as inflexible as before; and his only reply to the English dragoman, who spoke for them all, was to remind him of the motto of his king, "God and my right."

The negotiations were thenceforward transferred from the ambassadors at Constantinople, to the admirals of the combined squadrons upon the *Ægean*; and we have related in the preceding volume, how they terminated, on the 20th October, by the total destruction of the Turkish and Egyptian fleet at Navarino. That narrative was continued until the departure of the ambassadors of the allied powers from Constantinople, on the 8th of December—the Porte still inflexibly resisting all interposition of the allies in the affairs of Greece.

The treaty of the 6th of July, had been concluded with the impression, at least, on the part of Great Britain, perhaps of France, that the Sublime Porte would ultimately acquiesce in the interposition of the allies, without resort to the last argument of kings. They had not only taken so many precautions to foreclose the contingency of actual hostilities, that in the very unmasking of their batteries, their guns had the appearance of

being spiked ; but the treaty itself had more the character of a plan to indemnify the Porte for the loss of Greece, than to rescue Greece from the tyranny of the Porte. The Sultan wanted not sagacity to discern this ; but he drew conclusions from it, in the issue of which he was totally disappointed. He saw, that the partialities of two of the allies were really on his side, even in his contest with the Greeks. He saw that Austria, while ostensibly concurring in the professed object of the allies, had, in truth, been operating underhandedly against them. He saw that of all the powers, Russia alone acted with an interest of her own, identified with the cause of Grecian independence ; and he did not believe that France or England would suffer their force to be used for the annihilation of his naval power, and thereby aggravate the preponderance so much dreaded by them, of his only real enemy, Russia. Nor did even the catastrophe of Navarino, nor the departure of the ambassadors of the allies, undeceive him. From the time when the disaster of Navarino had been made known to him, the Reis Effendi had assumed the tone of the aggrieved party, and made formal demands of indemnity, and the punishment of the offending admirals. He still manifested however, a solicitude to prevent the rupture of the negotiations by the departure of the ambassadors ; who were

finally obliged to go without obtaining passports, declining a proposition of the Porte, made at the last extremity, with a knowledge that it could not be accepted, of a general amnesty to the Greeks.

Upon the departure of the ambassadors, the Sultan, who must have been, however unwillingly, preparing his mind for that event, immediately determined upon two things ; a war with Russia alone—and a dallying attempt to protract the negotiation, and gain time of preparation for the conflict. Without noticing the withdrawal, of the French and British ministers, the Reis Effendi, on the 12th of December, addressed a letter to the Russian Vice Chancellor, Count Nesselrode, complaining of the departure of the Russian envoy. This letter has not the most distant allusion to the tragedy at Navarino. It commences in terms of friendliness and courtesy ; states that “in consequence of the convention of Ackerman, happily concluded between the sublime Porte and the Russian government, by which the relations of reciprocal friendship had been more intimately confirmed,” the Russian ambassador, Ri-beaupierre, had arrived at Constantinople, and had been received with all the distinctions and honours due to the friendly and pacific intentions of both parties. That every suitable attention was paid to

his representations ; and the discussions were proceeding with him, in the most conciliatory manner : mean time that " certain injurious proposals were pressed upon the Sublime Porte, with respect to which the Russian government has been informed, in repeated communications and conferences, of the frank and sincere answers of the Porte, founded on truth and justice." Lastly, that the said minister had been repeatedly requested, and urged to communicate to his government, the motives of urgent necessity, and the causes of excuse assigned by the Porte, and to wait for the equitable answer of his government ; but that minister had refused to pay reasonable attention to the motives, alleged by the Sublime Porte ; had chosen, contrary to his duty as a minister, and to the laws of nations, to withdraw, without motive and without permission ; refusing even to assign, in a written note, the reason for his departure—and the Reis Effendi thus concludes : " The present friendly letter has been composed and sent, to acquaint your excellency with the circumstance ; when you shall learn, on receipt of it, that the Sublime Porte has at all times, no other desire or wish than to preserve peace, and good understanding ; and that the event in question has been brought about, entirely by the act of the said minister, we hope that you will

endeavour, on every occasion, to fulfil the duties of friendship.

But precisely at the time when this mild, and candid, and gently expostulatory epistle was despatched for St. Petersburg, another state paper was issued, addressed by the Sultan to his own subjects—this was the Hatti Sheriff of the 20th of December, sent to the Pashas of all the provinces, calling on all the faithful Mussulmen of the empire to come forth and fight for their religion, and their country, against the infidel despisers of the Prophet. The comparison of these two documents with each other, will afford the most perfect illustration of the Ottoman faith, as well as of their temper towards Russia.

The Hatti Sheriff commenced with the following admirable commentary upon the friendly profession, which introduced the letter to count Nesselrode.

" It is well known (said the Sultan) to almost every person, that if the Mussulmen naturally hate the infidels, the infidels, on their part, are the enemies of the Mussulmen : that Russia, more especially, bears a particular hatred to Islamism, and that she is the principal enemy of the Sublime Porte."

This appeal to the natural *hatred* of the Mussulmen towards the infidels, is in just accordance with the precepts of the Koran. The document does not attempt to dis-

guise it, nor even pretend that the enmity of those whom it styles the infidels, is any other than the necessary consequence of the hatred borne by the Mussulmen to them—the paragraph itself, is a forcible example of the contrasted character of the two religions. The fundamental doctrine of the christian religion, is the extirpation of *hatred* from the human heart. It forbids the exercise of it, even towards *enemies*. There is no denomination of christians, which denies or misunderstands this doctrine. All understand it alike—all acknowledge its obligations; and however imperfectly, in the purposes of Divine Providence, its efficacy has been shown in the practice of christians, it has not been wholly inoperative upon them. Its effect has been upon the manners of nations.—It has mitigated the horrors of war—it has softened the features of slavery—it has humanized the intercourse of social life. The unqualified acknowledgement of a duty does not, indeed, suffice to insure its performance. Hatred is yet a passion, but too powerful upon the hearts of christians. Yet they cannot indulge it, except by the sacrifice of their principles, and the conscious violation of their duties. No state paper from a christian hand, could, without trampling the précepts of its Lord and Master, have commenced by an open proclamation of *hatred* to any portion

of the human race. The Ottoman lays it down as the foundation of his discourse.

The paper proceeds, by affirming that, for the last fifty or sixty years, Russia has constantly taken advantage of the slightest pretext for declaring war, in the eager execution of her criminal projects against the Mussulman nation, and the Ottoman empire. This is notoriously untrue. For the last fifty or sixty years, Russia has been herself an object of jealousy and fear, to all the European nations, of her own faith as christians. They have constantly kept such strict watch over her, with regard especially to the Ottoman empire, that whenever she had been compelled to declare war against the Turks, her cause has been so manifestly just, that no great European power has had plausible pretext for taking the part of the Mussulman against her. Insomuch, that when William Pitt, in the plenitude of his power, and at the zenith of his fame, once attempted it, neither the sense nor the feeling of his nation would bear him out in his policy; and he was compelled to renounce his project, that he might save himself from ruin.

The Sultan proceeds from one false imputation to another, and next charges Russia with having instigated the revolt of her co-religionists, the Greeks, and it impudently pretends, that this per-

fidious plot between Russia and the Greeks, "thanks to the Divine Assistance, and to the protection of our Holy Prophet, was discovered a short time before it was intended to be carried into execution."

This pretended discovery of a plot between Russia and the Greeks, is introduced, to preface an exulting reference to the unhallowed butchery of the Greek Patriarch and Priests, on easter day of 1822, at Constantinople, and to the merciless desolation of Greece, which it calls "doing justice by the sword to a great number of rebels of the Morea, of Negropont, of Acarnania, Missolonghi, Athens, and other parts of the continent." The document acknowledges, that although during several years, considerable forces, both naval and military, had been sent against the Greeks, they had not succeeded in suppressing the insurrection; because it was fomented by the secret supplies and promises of other Europeans, besides the Russians; till "at length, influenced by the Russians, England and France, united with Russia, and under pretext that their commerce was suffering from the long duration of the troubles, they induced, by all sorts of artifices, the Greeks to renounce their duty as Rayas." This charge against France and England, of instigating the Greeks to rebellion, is not more unfounded,

than when it had been applied exclusively to Russia. But the statement immediately following, announces, very exactly, the propositions made by the allied powers to the Porte, and points out, without exaggeration, the consequences to which the acceptance of those propositions would naturally lead. It says, that they looked to the independence of Greece under the payment of an annual tribute; this, the Porte very justly says, "tended to nothing less than to cause to fall into the hands of the infidels, all the countries of Europe and Asia, in which the Greeks are mixed with the Mussulmans; to put, by degrees, the Rayas in the place of the Ottomans, and the Ottomans in the place of the Rayas—to convert perhaps, our mosques into churches, and to make bells resound in them: in a word to crush, rapidly and easily, Islamism."

Of course, (the document adds,) the Porte could not accept such propositions. The object of the Franks had been seen through, from the beginning; it was clear that the sabre would be the only ultimate reply to their proposals; and the Porte thenceforward, sought only to excuse and temporize with them, until the warlike preparations of the Sultan could be completed.

And the occasion is taken to observe, that it was the same policy of gaining time and of deceiving

Russia, that had induced the Porte to subscribe to the treaty of Ackerman; in which the demands of Russia, respecting indemnities, and the Servians, were quite inadmissible. The Porte, however, had thought best to acquiesce in those terms, as a necessity, right or wrong. Part of the articles had been executed: conferences relating to the indemnities, and the Servians, had been commenced: but, although taken into consideration as acts of violence, they were not likely to be settled with a good grace. These are the terms in which the Sultan announces his utter contempt of his own engagements at Ackerman; themselves, as we have seen, only promises to perform stipulations made at Bucharest, and which ought to have been executed long before.

He now returns to the propositions of the three allied courts, whom he charges with having openly broken their treaties, and declared war by the destruction of his fleet at Navarino. He gives an account, sufficiently exact, of the persevering demands of the three ambassadors, for the independence of Greece, and of the answers given, to protract the negotiation until the time of their departure from Constantinople; and, repeating the position he had already taken, he says:

“If now (which God forbid) we had found it necessary to beat a

retreat, and yield the point in question, that is to say, the independence of Greece, the contagion would soon have spread through all the Greeks established in Romelia and Anatolia, without the possibility of a stop being put to the evil.—They would then all claim the same independence, would renounce their duties as Rayas, and, triumphing in the course of one or two years, over the generous Mussulman nation, would one day finish, by suddenly giving us the law, and (heaven avert the misfortune) the evident result would be the ruin of our religion and our empire.”

That such would in all probability have been, and that such in all justice ought to have been, the consequence of the independence of Greece, has been yielded, not to the three allied powers, but to the victorious army of Russia. The last appeal of the Sultan to the fanaticism of his people, and to the protection of his prophet, has been vain. He told them, that since the happy time of their great prophet, the faithful Mussulmen had never taken into consideration the numbers of the infidels. He reminded them, too truly reminded them, how often they had put *millions* of Christians to the sword; how many states and provinces they had thus conquered, sword in hand. With no ineloquent voice, he said, “If the three powers should persist in wishing, to compel

us by force, to admit their demands ; even should, they, illustrating the saying—‘all infidels are but one nation’—all league against us, we will recommend ourselves to God, place ourselves under the protection of our holy prophet, and united in defence of religion and the empire, all the Viziers, the Ulemas, the Rayas, *perhaps* even all Mussulmen, will form only one corps. This is not, like former contests, a political war for provinces and frontiers ; the object of the infidels, being to annihilate Islamism, and to tread the Mahometan nations under foot. This war must be considered purely a religious and national war. Let all the faithful, rich or poor, great or little, know, that to fight is a duty with us ; let them then refrain from thinking of their arrears, or of pay of any kind ; far from such considerations, let us sacrifice our property and our persons ; let us execute zealously the duties which the honour of Islamism imposes on us—let us unite our efforts, and labour, body and soul, for the support of religion, until the day of judgment. Mussulmen have no other means of working out salvation in this world and the next.”

This address to the patriotism and religious prejudices of the Ottoman people, was worthy of a better cause. The time has been, when it would have drawn them forth to battle, and to triumph. That time is happily gone, never to return.

Yes, the independence of Greece must, and will tend to kindle in Anatolia and Roumelia, and throughout all the Turkish provinces in Europe, a sympathetic and inextinguishable flame. Those provinces are the abode of ten millions of human beings, two thirds of whom are Christians, groaning under the intolerable oppression of less than three millions of Turks. Those provinces are in some of the fairest regions of the earth.—They were Christian countries, subdued during the conquering period of the Mahometan imposture, by the ruthless scymetar of the Ottoman race ; and under their iron yoke, have been gradually dwindling in population, and sinking into barbarism. The time of their redemption is at hand.

In declaring that the treaty of Ackerman had been assented to, only as a measure of expediency to gain time, without intending to carry it into execution ; the Sultan gave to Russia a clear and unequivocal cause of war. Measures of positive hostility, adopted at the same time, aggravated this right into a duty, and left to the Emperor Nicholas no other alternative. Among these, was the expulsion of all Russian subjects and merchants from the Turkish dominions ; the closing of the Bosphorus, the only outlet for the commerce of the Russian provinces on the Black sea ; the seizure of Russian vessels in

the Turkish ports, and in the harbour of Constantinople, and the appropriation of their cargoes; at arbitrary prices, to the uses of the Turkish government. The information of all these measures, reached the imperial government at St. Petersburg at the same time, or immediately after the plausible and conciliatory letter of the Reis Effendi to Count Nesselrode.

This letter was answered by the Russian Vice Chancellor, on the 14th-26th of April, 1828, and the answer was accompanied by a manifesto of the Emperor Nicholas, and a declaration of war, of the same date. The delay which attended this measure is accounted for, in the answer of Count Nesselrode, who says, that the Emperor intended thereby to leave the *Sublime Porte*, time to change its deplorable resolutions. It is probable that another motive was not without its influence upon the mind of the Emperor; that of consulting the opinions, and ascertaining the intentions of his confederates to the treaty of the 6th of July, 1827. The result of the battle of Navarino was far from being satisfactory to the British government. In the king's speech, at the opening of the session of Parliament, on the 29th of January, he said that, "for several years a contest had been carried on between the Ottoman Porte, and the inhabitants of the Greek provinces and islands, which had

been marked on each side, by excesses revolting to humanity." He added, that, at the earnest entreaty of the Greeks, he had concerted measures for effecting a reconciliation between them and the Ottoman Porte, with Russia and France; and communicated copies of the protocol of the 4th of April, 1826, and of the treaty of the 6th of July, 1827; as justifying causes to which, the only reason that he assigns is, the injuries sustained by the commerce of his majesty's subjects, in consequence of this state of hostilities. He then adds, "In the course of the measures adopted with a view to carry into effect the object of the treaty, a collision, wholly unexpected by his majesty, took place in the port of Navarin, between the fleets of the contracting powers, and that of the Ottoman Porte."

"Notwithstanding the valour displayed by the combined fleet, his majesty deeply laments that this conflict should have occurred with the naval force of an ancient ally; but he still entertains a confident hope, that this untoward event, will not be followed by further hostilities, and will not impede that amicable adjustment of the existing differences between the Porte and the Greeks, to which it is their common interest to accede. In maintaining the national faith, by adhering to the engagements into which his majesty has entered, his majesty will never lose sight of the

great objects to which all his efforts have been directed; the termination of the contest between the hostile parties—the permanent settlement of their future relations to each other—and the maintenance of the repose of Europe, upon the basis on which it has rested, since the last general treaty of peace.

In comparing the tenor of this speech with the protocol of April, 1826, and the treaty of the 6th of July, 1827, how forcibly are we reminded of the shallowness of human wisdom, and of the control of a superintending Providence over the designs and purposes of man. That the collision of Navarino should have been wholly unexpected to the king of Great Britain after the protocol, and the treaty to which his faith was pledged, can only prove with how little sagacity of foresight, his ministers had bound him to these engagements. With their knowledge of the headlong obstinacy of the Turks, with the fatal consequences to the Ottoman power, which they ought to have beheld in perspective, as likely to follow from the acquiescence of the Porte in the independence of Greece, even imperfect and crippled as it would be, by the project which they themselves had formed; what else could they, as statesmen, have expected but the collision of Navarino? They had for two or three preceding years repeatedly offered their mediation, and im-

portunately urged upon the Turk, its acceptance. They had met with uniform, prompt and sturdy rejection from *him*, and they had chosen to place their interposition itself upon a basis, which gave him the decided advantage of the argument over them, in the discussion. What else could they then have expected, than such an event as the collision of Navarino?

Still more extraordinary was it to the ears of *Christendom* to hear a British king, in a speech to his parliament, style the execrable and sanguinary head of the Ottoman race, his *ancient ally*; and denominate a splendid victory, achieved under the command of a British admiral, in the strict and faithful execution of his instructions, an *UNTOWARD* event. But the last member of the paragraph from his majesty's speech, which we have quoted, to those accustomed to the mystifications of royal speeches and diplomatic defiances, explained these apparent *disparates*. He declares the *great objects* to which all his efforts have been directed, and of which, while *adhering* to his arrangements, *he will never lose sight*, are the termination of the contest between the hostile parties; the permanent settlement of their future relations to each other, and the *maintenance of the repose of Europe, upon the basis on which it has rested since the last general peace.*

And where is the protection to the commerce of his majesty's subjects! and where is the determination to launch all the thunders of Britain at half a dozen skulking piratical cockboats, driven by the desperation of famine to seek the subsistence of plunder, assigned in the protocols, the treaty, and the communications to the Ottoman Porte, as the *great objects* of his majesty's interference between a legitimate sovereign and his revolted *rayahs*? They all have disappeared, and given place to the maintenance of the repose of Europe upon the basis of the last general peace, or, in other words, to the design that Russia shall obtain no accession of power, by the emancipation of Greece.

In all these documents, issuing from the profound and magnanimous policy of the British warrior statesman, nothing is more remarkable, than the more than stoical apathy with which they regard *the cause*, for which the Greeks are contending; the more than epicurean indifference with which they witness the martyrdom of a whole people, perishing in the recovery of their religion and liberty. In the annals of human glory, it has happened once before to the people of Greece, to be liberated from the dominion of a tyrant, by the interposition of foreign armies; and what schoolboy of ingenuous heart has ever read, without feeling the tear of joy and exultation

steal down his cheek, the description by the Roman historian of that moment, when, in the presence of all Greece assembled at the Isthmian games of Corinth, the sound of the trumpets was succeeded by the voice of the Herald, proclaiming in the centre of the amphitheatre, (where the games were about to commence, by the recitation of a poem,) that "the Roman senate and Titus Quintius Flamininus the general and proconsul having vanquished Philip, king of the Macedonians, take off all impositions, and ordain, that the Corinthians, Phocians, Locrians, Eubœans, and all the people of Greece, shall henceforth be free; independent, and governed by their own laws"—who, at the distance of two thousand years, and of five thousand miles, can peruse the historic records of that day, without sharing in the ecstasy of that universal burst of gratitude, wonder and admiration, from the assembled multitude who heard this proclamation? And who with this scene impressed from the days of boyhood upon his memory, can avoid the comparison of the Roman proclamation, with the protocol of St. Petersburg, the treaty of London, and the speech of the British king; or the contrast between Titus Quintius Flamininus, and the Duke of Wellington?

The royal speech of January, 1828, indicates that in the protocol and in the treaty, the government

of George IV. had outwitted themselves, and were the dupes of their own policy. It presents the singular spectacle of a sovereign, wincing at the success of his own measures, and repining at the triumph of his own arms. From that time the partialities of England in favour of her ancient ally, have been little disguised; and the disposition to take side with the Porte has only been controlled, by the unwelcome necessity of adhering to the faith of treaties. Had a plausible pretext existed for interdicting the Emperor Nicholas from the vindication of his rights by war, it would undoubtedly have been seized. There was none. Before the declaration was issued, the motives for it were fully explained to the cabinet of London; and the necessity for that declaration was explicitly acknowledged in the king's speech, upon closing the session of parliament on the succeeding 28th of July.

The declaration of war, recapitulated all the causes which had rendered it necessary for Russia to come, reluctantly, to that last resort. The continual violations by the Porte of the treaty of Bucharest—the repeated forbearance of Russia to take into her own hands the justice, which she had at all times been able to exact; the special proofs of the moderation of the Emperor Alexander, in substituting negotiation instead of force in

1806; his deference to the wishes of his European allies, for the preservation of the general peace in 1822; his ultimate protest to the Ottoman government in October, 1825; the renewal of negotiation immediately after the accession of Nicholas; the convention of Ackerman, merely to secure the fulfilment of the treaty of Bucharest; and the diplomatic mission, immediately afterwards, of Mr. Ribeaupierre to Constantinople, were all set forth in full relief. To these were added a charge, that in the negotiation of the recent peace with Persia, the Shah had been tempted by promises of a diversion by the Ottoman Porte to break off from engagements, to which he had already given his assent. The declaration further stated, that Russia had testified her disapprobation of the enterprise of Prince Ypsilanti; and had united with other European powers in offering to the Porte, their joint mediation to pacify the insurrection in the Morea, “by an equitable combination with the integrity, the repose, and the true interests of the Ottoman empire.” It referred to the unyielding obstinacy, with which the Porte had resisted these offers, and to the treachery to his word of the commander of the Ottoman troops, which had precipitated the battle of Navarino; the necessary “result of evident breach of faith and open attack.”

After this exposition of the

wrongs, which dictated the recourse of the Emperor Nicholas to arms, the declaration explicitly disclaimed the indulgence of hatred to the Ottoman power, or having contemplated its overthrow, according to the accusation of the divan; disavowed all ambitious plans, averring that countries and nations enough were already subject to the laws of Russia, and cares enough were united with the extent of his dominions. It gave notice, that the war brought on by Turkey would impose upon her, the burden of making good all the expenses caused by it, and the losses sustained by Russian subjects. That being undertaken for the purpose of enforcing the treaties, which the Porte considered as no longer existing, it would aim at enforcing their observance and efficacy. That, induced by the imperative necessity of securing, for the future, inviolable liberty to the commerce of the Black sea and the navigation of the Bosphorus, it would be directed to this object, equally advantageous to all the European states.

Till he should have attained these objects, the Emperor declared, he would not lay down his arms; and that he expected them from the benediction of him, to whom justice and a pure conscience have never yet appealed in vain.

The letter of Count Nesselrode to the Grand Vizier, which accom-

panied this declaration, informed him, that if plenipotentiaries from the Sultan should present themselves at the head quarters of the commander-in-chief of the Russian army, they would meet with the best reception—that is to say, if the Porte should send them with the sincere intention of renewing and restoring the conventions that subsisted between the two empires; of acceding to the terms of 6th July, 1827, between Russia, England and France; of providing for ever against the recurrence of those acts, which had given the Emperor just grounds for war; and of making good the losses caused by the measures of the Ottoman government, as well as the expenses of the war, which would be in proportion to the duration of the hostilities. That the Emperor would not, indeed, be able to stop the progress of the military operations during the negotiations to be opened for this purpose; but he felt convinced, that with his moderate views they would speedily lead to the conclusion of a durable peace, the object of his most ardent wishes.

The answer of the Ottoman Porte to the Russian declaration of war is a document, the style and principles of which betray its origin. It is manifestly the production of a European hand. Far from being like the Hatti Sheriff of the 20th December, an appeal to the Otto-

man people, a bold and candid avowal of the precepts of the Koran; it is an utter departure from them, and an assumption, equally shameless and hypocritical, of argument on Christian grounds. It begins with a pious and philosophical disquisition upon the means of preserving order in the world, and the repose of nations, which it says consist in the good understanding between sovereigns, to whom the Supreme Master, in the plenitude of his mercy, has intrusted, as servants of God, with absolute and unlimited power, the reins of government and the administration of the affairs of their subjects. It infers, that the solid existence and maintenance of this order of things essentially depend upon the fulfilment of engagements between sovereigns;—and it praises God, that the Sublime Porte, since the commencement of her existence, has observed these salutary principles more than any other power; according to the pure and sacred law of the religion, which Mussulmen observe in peace as well as war. It appeals to the knowledge of the *whole world*, that this inviolate regard of the Porte for her engagements has been doubly inviolate in her performance of all those contracted by treaties with Russia; and that Russia has now, without motive, disturbed the existing peace, declared war, and invaded the territory of the Sublime Porte.

It then enumerates the charges against the Porte, contained in the Russian declaration; pronounces them a series of vain inculpatations, destitute of all real foundation; and undertakes to refute each of them by a reply founded on equity and justice, as well as the real state of the facts.

To the charge of never having executed the stipulations promised by the Porte, in the treaty of Bucharest, the reply is, that the war, which was terminated by that treaty was commenced by Russia herself. That it had been altogether unprovoked on the part of Turkey, and that the Porte imposed a sacrifice on herself, and signed the treaty of Bucharest, purely from a *natural repugnance to war and the shedding of blood*.

It retorts upon Russia the charge of having broken the treaty of Bucharest; complains that she had refused to execute an agreement to renew the tariff every two years; affirms that the Servians had forfeited the right to the advantage of the treaty, by a subsequent revolt, which the Porte had only exercised the right of sovereignty in punishing; affirms that although the demands and pretensions of the Russian envoy, Baron Strogonoff, for the execution of the treaty are very unreasonable, yet the Porte had consented to discuss them in conferences, which were going on when the great insurrection broke

out; and *that* occasioned obstacles notoriously calculated to retard their conclusion.

It proceeds with a long narrative of the insurrection of Greece, instigated by the accursed proclamations of the fugitive Ypsilanti; issuing from Russia, to invade publicly and unexpectedly Moldavia, at the head of a troop of Rebels—accuses Russia of having refused to deliver him up, after his defeat, together with the Hospodar of Moldavia, Michael Sutza, both of them having taken refuge within the Russian territory. For this refusal, it says, Russia, contrary to all diplomatic rules, alleged the pretext of humanity; though between allied powers, there can be no greater humanity than fidelity to treaties.—It refers to further negotiations; the opinion upon them, of Lord Strangford, and the satisfaction of Minziacki, until he presented an official note in the name of his court, demanding that plenipotentiaries should be sent to the frontiers, to explain the treaty of Bucharest.—It states that the Ottoman plenipotentiaries sent to the frontiers, were “artfully drawn by Russia, as far as Ackerman;” admits that the basis agreed upon, was the principle of not departing from the circle of the treaties, and not altering or changing the sense of the stipulations. But it avers, that after some meetings, the Russian Plenipotentiaries presented,

contrary to the agreement, a detached document, under the title of “ultimatum,” and obstinately refused to close the negotiation upon any other terms.

Finally, it asserts that the motive of the Sublime Porte for acceding to the treaty of Ackerman, was an official declaration of the Russian plenipotentiaries, in the name of their court, that Russia, considering the Greek question to be an internal affair, belonging to the Sublime Porte, would not mix herself in any way therewith; and that this declaration was entered in the protocols kept according to custom, by both parties. But it acknowledges that when afterwards the treaty of the 6th of July, 1827, was communicated to the Porte, M. de Ribaupierre, who at Ackerman, had been the second of the Russian plenipotentiaries, who had officially announced that Russia would not interfere with the Greek question, was present at Constantinople; and that notwithstanding the existence of the protocol, the declaration was denied.

It declares that even the fatal event of Navarino, an event unheard of, and unexampled in the history of nations, still made no change in the amicable relations of the Sublime Porte; but that, not content with the concessions which the Sublime Porte might, from regard solely to the three powers, and without any further addition,

grant to the country, still in rebellion, the Russian envoy departed from Constantinople, without motive or reason.

The manifesto then affirms, that if the Sublime Porte were to detail her numerous complaints, and insist upon her just right, each of the above points would become in itself a special declaration. That the Porte from mere friendship and good neighbourhood, had abstained from charging upon Russia the origin of the Greek insurrection, although such had been from the beginning her opinion ; which all subsequent events had confirmed. That of this generous forbearance of the Porte, Russia had taken no account ; but that the more mild and condescending the Porte had been to Russia, still the more haughty and hostile Russia had been in return. It was natural, therefore, that Mussulmen should attribute such conduct to inveterate enmity, and that it should excite the ardour of Islamism in their minds.

With regard to the Hatti Sheriff of the 20th of December, summoning the whole Ottoman nation to arms against Russia, the sultan now thinks proper to say, that it was only a proclamation which the Sublime Porte, for certain reasons, circulated in its states ; an internal transaction, of which the Sublime Porte alone knows the motives, and that the language held by a

government to its own subjects cannot be a ground for another government to pick a quarrel with it—especially, as the Grand Vizier had, immediately after the departure of the Russian envoy, written a letter to the prime minister of Russia, declaring the desire of the Sublime Porte still to maintain peace. That if Russia had conceived *suspensions*, from the Sultan's address to his subjects, she might have applied amicably to the Porte to ascertain the truth, and clear up her doubts. That, far from this, *perhaps* even without taking into consideration the correct information transmitted on the subject, by the representatives of other friendly powers, who remained at Constantinople, she hastened to class that proclamation among the number of her complaints and pretexts : And *she*, therefore, was the party who must have concluded the treaty of Ackerman, with a mental reservation.

The seizure of the cargoes of Russian vessels at Constantinople, is justified upon the plea of necessity, arising from the blockade of the allies, to interrupt the provisions destined for the Ottoman troops in the Morea. The corn of the Russian merchants was purchased at the market price, for the subsistence of Constantinople, and was paid for. This measure was according to approved practice heretofore ; and the Russians had no

right to complain, for it affected the merchants of other friendly nations as well as themselves. Of the stopping of the passage of the Bosphorus, nothing is said. But the reproach of having excited Persia against Russia, is declared to be a pure calumny.

As to the two principalities of Moldavia and Wallachia, it is to the pretended protection of Russia, that they owe their ruin. Witness the invasion of Ypsilanti, and the unjust inroad of the Russian army, in contempt of treaties—and yet they are not ruined, for it was very easy for the Sublime Porte to cause her victorious troops to enter the two principalities, after she knew that Russia was prepared to invade them; but never having at any time permitted, contrary to the divine law, the least vexation towards her subjects; she spared the misfortunes of the inhabitants, and abstained from extending to them her protection.

In conclusion, the Sublime Porte makes this declaration, that none may have any thing to say against her. Her grave causes of complaint against Russia, are as clear as the sun; and Russia has declared war against the Ottoman government, without motive or necessity.

“The Sublime Porte, exempt

from every kind of regret, respecting the means of resistance which the Mussulman nation will employ; relying upon the divine assistance, and acting in conformity with the holy law, clears her conscience of an event which will occasion, now and henceforward, trouble to so many beings, and perhaps may shake the tranquillity of the whole world.”

We pause at the pathetic and affecting sentiment of this closing paragraph. How soothing must it be to the friends of benevolence and humanity, to see the most despotic, the most ferocious and ruthless of human beings, the *Sultan butcher** of the Turks, pleading his cause before the tribunal of Christian public opinion, and professing anxiety to clear his conscience of an event which must cause trouble to his fellow creatures, and disturb the peace of the world!

In reviewing the two manifestos, this is the most striking and the most pleasing feature common to them both;—the extreme solicitude of each party, to make a case which will abide the impartial judgment of civilized man;—the laborious effort to avert from itself the censure of impartial justice. The war is closed. The fiat of Heaven, so far as it can be gathered from the event, has pronounced sentence

* “The Manslayer” is one of the regular titles of the Sultan, among his own people.—See Upham’s *History of the Ottoman Empire*, vol. 2, p. 281.—See also, Howe’s sketch of the Greek Revolution, p. 160.

of victory on the Christian side. The Balkan has bowed his head to the triumphant march of the Russian arms; and the city of Constantine has been prepared to shout once more, "open your doors, ye everlasting gates, and the King of Glory shall come in."

Not yet, however, are we to witness this consummation devoutly to be wished. In the moment of his triumph, the Christian champion has stayed his hand. A respite has been granted to the malefactor nation; and the opportunity once more offered to the blood-polluted race of Osman, of living surrounded by Christian communities in peace, and the interchange of commerce and of good will.

But in a moral and religious, as well as in a literal sense, the race is not always to the swift, nor the battle to the strong. Success is not always the test of right, nor is the standard of justice always crowned with victory. Let us then observe the material allegations of the two manifestoes, and comparing them with facts otherwise notorious, ascertain how they respectively stand at the bar of justice, in accounting for this war.

The Russian declaration, in reverting to the causes of the war, presents them as arising from the perseverance of the Porte, in violating all her engagements contracted by the treaty of Bucharest; the arbitrary seizure of the Rus-

sian vessels and cargoes after the battle of Navarino; the stopping of the passage of the Bosphorus; and the summons by the Sultan of the whole Ottoman people to arms against Russia, with the avowal contained in it, of perpetual hatred to the Russians, and that he had signed the treaty of Ackerman, only as a temporary expedient, without intending to carry it into execution. There is a charge added, that the peace with Persia had been nearly broken off at the point of its conclusion, by the lure held out to the Schah, of an Ottoman diversion in his favour.

The Turkish answer denies no part of the facts stated by the Russian declaration, excepting the interference in the negotiation with Persia; which it pronounces a pure calumny; admitting, however, that some of the Turkish Pashas bordering upon Persia, were at the time, arming for war. Its defence against all the essential parts of the Russian manifesto, is recrimination. It goes back for matter of reproach beyond the peace of Bucharest, by affirming that Russia had declared the war, to which that treaty put an end. This was not in issue between the parties, and would lead us beyond the reach of this inquiry. The treaty of Ackerman, concluded in 1826, was professedly explanatory of all the contested points relating to the execution of that of Bucharest; and if the Porte had

then any cause of complaint, for the inexecution on the part of Prussia of her engagements, that was the time to have brought them forward. There is not, as has already been remarked, the most distant allusion to any such cause of complaint in the treaty of Ackerman; we may therefore safely conclude, that whatever failure of fulfilment to the engagements of Russia at Bucharest, may have occurred, it was such as necessarily followed from a previous breach of faith on the part of the Turk. There is an effort in the Turkish document, to charge upon Russia the origin of the Greek insurrection; but it is not sustained by the slightest show of evidence. It complains, that Prince Ypsilanti, upon his irruption into Moldavia, came from Russia, and that when, after his defeat, he took refuge there, Russia refused to deliver him, and the Hospodar of Moldavia, Michael Sutzo, up to the Porte. It qualifies this refusal, as a breach of treaty; but there was no treaty between Russia and the Porte, which required that Russia should deliver them up; and the plea of humanity, upon which she justified her refusal, was certainly all-sufficient to that effect. If Russia has any thing to answer for, in regard to that gallant spirit, Prince Ypsilanti, it is assuredly not with the Porte, that rests the *just* cause of complaint.

The Sublime Porte asserts, that

her plenipotentiaries were artfully drawn by those of Russia to Ackerman; but does not explain what is meant by this insinuation.—Whether the treaty was signed at Ackerman, or upon the frontier line between the two empires, is perfectly immaterial, unless it were shown that the Turkish Plenipotentiaries at Ackerman, were under some influence or control of Russia, to which they would not have been subject on the frontiers. Of this, there is no pretence—and the *suspicion* is evidently thrown out, merely to serve as a palliative for the total disregard of the treaty, by the Porte herself.

Another more direct, and far more important allegation, is, that the Porte was induced to subscribe to the treaty of Ackerman, solely by the official declaration of the Russian plenipotentiaries, with the knowledge of their government; that Russia considered the Grecian insurrection as entirely an internal concern of the Turkish government, in which she could take no part; and that this declaration was inserted in the common protocol of the negotiation kept by the plenipotentiaries of both parties. If this statement were true, it would not only have justified the Porte for refusing to execute the treaty of Ackerman, but would have been an act of the most signal perfidy on the part of Russia. But it is evidently not true; for if it had been—

First—The Porte, instead of a mere naked assertion of the fact, with an equivocal reference to the secret protocol, would have produced the entry upon the protocol itself.

Secondly—The Porte would not have failed to produce this solemn promise of Russia, in answer to the repeated joint applications of the three ambassadors after the treaty of 6th July, 1827. In the manifesto of the preceding 9th of June, the Reis Effendi had indeed alleged that the Russian agents had declared, that there *should be no interference* on this subject; as it alleged a previous declaration of the same kind, by the British ambassador, on his return from Verona. But as the declaration of Lord Strangford could only be, that the negotiating powers at Verona had determined, not jointly to interpose between the Turks and the Greeks at the congress; so whatever declaration may have been made by the Russian plenipotentiaries at Ackerman, could only be that the Greek question was one upon which *they* had no authority to treat, and in which the Emperor, in the adjustment of his *separate* relations with the Porte, would not interfere. Such a declaration they were indeed bound in candour to make, for it was perfectly conformable to the protocol of St. Petersburg of the preceding 4th of April, with

which the Porte could scarcely then be unacquainted.

Thirdly—If there had been such an engagement by the Russian plenipotentiaries at Ackerman, as the Porte now pretends; it would not have been pretermitted in the summons to arms of all his subjects by the Sultan, in the Firman of the 20th of December. In that document, he expressly declares, that he had subscribed to the treaty of Ackerman, as a temporary expedient to gain time, without intending ever to carry it into execution. Insensible as the disciple of the Koran may be to the obligation of treaties, contracted with infidels, he cannot be supposed so utterly lost to the sense of his own interests, as to charge himself with wilful treachery in the very case, upon which he could convict the adversary of treachery against himself.

Fourthly—The manifesto acknowledges that Mr. Ribeaupierre, the ambassador on the part of Russia, who joined with those of Great Britain and France, in communicating to the Porte the treaty of London of the 6th of July, 1827, was himself the second of the Russian plenipotentiaries at Ackerman, and that he denied the existence of any such promise as that alleged by the Porte.

And, finally, the allies of Russia, in the treaty of 6th July, 1827, had been very reluctantly brought to

unite with her in undertaking to settle the Greek controversy. Their constant policy had been to prevent the interposition of Russia, singly, upon that question. Had the Porte been able to produce proof, that Russia had so recently promised not to interfere in it at all, they would readily have availed themselves of it, to decline

uniting with her in a treaty so exceedingly unwelcome to the Porte.

Altogether the evidence is conclusive against the pretension set forth in her last manifesto.

From the conflicts of the pen, we pass, in the next chapter, to those of the sword.

CHAPTER XII.

Natural defences of Constantinople—Passage of the Pruth by the Russian army—Occupation of Moldavia and Wallachia—Siege and surrender of Brailow—Siege of Varna—Investment of Shumla—Occupation of Isaktcha—Bazardjik and Jenibazar—Attack on the Russian redoubts by Hussein Pasha—Evacuation of Eski Stamboul—The Emperor Nicholas leaves the camp before Shumla—repairs to Varna—to Odessa—Attack of the Russian positions before Shumla, by Hussein Pasha and Hali Pasha—defeated—Operations of the Russian fleet before Varna—Sortie of the Turks—Prince Menzikoff disabled—Command of the siege transferred to Count Woranzoff—Levy of 4 men in 500, by the Emperor Nicholas—Loan in Holland—He returns to Varna—Progress of the siege—Surrender of Yussuff Pasha and of Varna—Russian camp before Shumla raised—The Emperor Nicholas embarks for Odessa—in danger of shipwreck—returns to St. Petersburg—Operations in Moldavia and Wallachia—Siege of Silistria—Attack by the Seraskier of Widdin upon Gen. Geismar at Craiova—defeated—Geismar takes Kalafat—Retreat of Wittgenstein from Shumla—Siege of Silistria—raised—Wittgenstein goes into winter quarters at Jassy—his resignation—Count Diebitch appointed to the command of the army—Campaign in Asia—Siege and surrender of Kars—of Poti—of Akhalkali—of Tcherkursy—of Akhaltzik—Diversion attempted by the Pasha of Moresch—defeated—Pashalik of Bayazid occupied by the Russians—Naval operations—Anapa taken by Admiral Greig—he proceeds to Varna—Russian squadrons in the Mediterranean—Admirals Hayden and Ricord—Blockade of the Dardanelles—Death of the Empress Mother of Russia.

THE natural defences of Constantinople from the approaches of a Russian force are, the Black Sea, the Danube, and the Balkan mountains. From the mouths of the Danube, following the almost semi-circular curvature of the Euxine shore, the distance to the Bosphorus is about four hundred miles. The Danube, at its mouth, is, since

the treaty of Bucharest, the boundary between the two empires. The province of Bessarabia extends in a northern and northeasterly direction from Kilia at the northern mouth of the Danube to Ackerman, on the banks and southern side of the Dniester. The principalities of Moldavia and Wallachia are situated north of the

Danube; the latter, bounded by that river to the south, and Hungary to the north; the former between the Russian province of Bessarabia, and the Carpathian mountains. Bulgaria extends south of the Danube to the range of the Balkan; between which and Constantinople the plains of Roumelia only are interposed. On the left bank of the Danube, near the central point at which the four provinces of Bessarabia, Moldavia, Bulgaria and Wallachia meet, and within the borders of this last, stands the fortress of Ibrail or Brailow. Thence, ascending the river, and on its southern borders, are situated in succession, the strong places of Hirsova or Kirsova, Silistria, and Rus-tshuk. At about half-way distance between the mouths of the Danube and Constantinople is the fortified city and seaport of Varna, and on the Black sea, and inland, distant from it about twenty miles, the still more fortified place of Schumla, or Shumla, in a valley, between two lofty hills. Along the shores of the Euxine, and on the southern banks of the Danube, are a number of other places, more or less fortified, but not suited to sustain a siege, or arrest the progress of an army.

Immediately after the Russian declaration of war on the 7th of May, 1828, an army of 115,000 men, commanded by Count Wittgenstein, which had been for some time assembling in Bessarabia,

commenced its march in three divisions; the right wing, commanded by General Roth; the centre, by the Grand Duke Michael, the Emperor's brother; and the left, by General Rudzewitch. The first, in a few days, occupied the principalities of Moldavia and Wallachia, without meeting any opposition. The centre, after passing the Pruth, and taking Galacz, proceeded to besiege Brailow, a place highly important as one of the passes of the Danube, and by its locality at once a key to the four provinces. While they were before this place, the left division had passed the Danube near Ismail, and successively taken Isaktchi, Kirsova, Tulcza, Kustandji and Anapa; the two latter places on the Black sea. The siege of Brailow commenced on the 15th of May; and it surrendered on the 18th of June, after an obstinate defence, and with the loss of several thousand men on both sides. After the siege had continued a month, the Russians having effected a breach, the Grand Duke Michael directed, on the 15th, a storm. Three mines were to be sprung at once, as the signal for the assault. One of the mines exploding prematurely, killed the officer who was to fire the second, which consequently failed of being sprung. The third exploded; and the assault was made. A party on the right succeeded in scaling

the walls ; but not being supported, were all killed, excepting one subaltern officer, who threw himself into the Danube. On the left, the resistance of the Turks was effective ; and the Russians, after a sanguinary conflict, were repelled. The Turks made six desperate sallies against the Russian works, but were driven back with great slaughter. Two major generals, and six hundred and forty men slain ; one general, three colonels, ninety-one commissioned officers, and thirteen hundred and forty subalterns and privates, wounded, are acknowledged in the Russian bulletin as their loss on this day. The next day, the mine which had failed of exploding on the 15th, was sprung by order of the Grand Duke Michael ; and on the 17th, the commandant of the place sent to ask an armistice of ten days, promising, if not relieved within that time, to surrender. Twenty-four hours only were allowed him, at the end of which the place was given up ; and the remnant of the garrison, which had originally been of twelve thousand men, but now reduced to less than half that number, were allowed to retire to Silistria.

On the first of July, the centre and left divisions of the army were re-united at Karassou, to which the Emperor Nicholas repaired in person, and where he received the keys of Brailow. Allowing a short

interval of repose to the army, they advanced again, and separating in two divisions, proceeded, one to the siege of Varna, and the other to the investment of Shumla ; places, which, in the preceding wars, had always arrested the progress of the Russian armies, and had never been taken. Shumla had resisted the attacks of Marshall Romanzoff, in 1774, and of General Kamensky in 1810 ; when it is said, the Pasha, who defended it, with the characteristic ferociousness of an Ottoman commander, boasted in his despatches to the Sultan, that he had Russian heads enough to build a bridge from Shumla to heaven. This place was now provided with every ammunition and material of war, and garrisoned with forty thousand men, commanded by Hussein Pasha, the undaunted conqueror of the Janisaries. The remainder of the campaign was consumed in operations before these two places, and in the siege of Silistria, undertaken some weeks later by General Roth. Of the three places, only Varna was subdued ; and, at the close of the campaign, the Russian forces were compelled to retire from before Shumla and Silistria, and to recross the Danube for winter quarters.

On the 8th of July, they had taken possession of Bazardjik, on the road to Shumla, where a large body of cavalry was stationed, as

the outpost of Hussein Pasha. After some slight skirmishing, this detachment fell back upon Shumla. The main army of the Russians then separated; one corps under General Suchtelen, proceeding towards Varna, before which it arrived on the 14th, and the other upon Shumla, the height in front of which, it reached on the 20th, after having occupied Janibazar, on the 18th. The seige of the two places at once, would have been hazardous, in the reduced condition of the Russian army, a great part of the park of artillery, employed at the seige of Brailow, having been rendered unfit for service; and a new supply expected from Kiew, together with large reinforcements, including the imperial guard, being yet far distant. Of the two places the most important to the Russians was Varna, by its position upon the Black sea; to the seige of which the fleet could co-operate, and by which the subsistence of the advancing armies might be secured. It was therefore determined only to keep a corps of observation before Shumla, and to press the Siege of Varna, which it was expected would not hold out beyond the month of August.

They had, between the 20th and 27th of July, driven a large corps of Turkish cavalry, posted upon the heights in front of Shumla, back into the town. On the night be-

tween the 27th and 28th, they threw up a redoubt in front of the fortress, with a view to attack the Russians upon the heights, but were driven from it on the same day. A corps of Turkish cavalry surrounded the extremity of the Russian right wing, and charged the two regiments of Chasseurs, which had there formed in squares, while a simultaneous attack was made upon the artillery, on the left. They were repulsed at all points; and on the 29th the Russians fortified the position they had occupied upon heights. On the 31st, General Rudiger established himself at Eski-Stamboul, south of Shumla, and on the road to Constantinople, with a view to intercept supplies or reinforcements from the capital.

These arrangements being completed, the Emperor Nicholas, on the 2d of August, left the main body of his army before Shumla, and proceeded to Varna; whence, after giving the necessary orders for the prosecution of the siege, he embarked on the 5th, for Odessa, there to await the arrival of his reinforcements.

On the 7th, 8th, and 15th of August, partial affairs took place between the corps of General Rudiger, and detachments of Turkish cavalry from Shumla. During this time he had strengthened his position, by the construction of three redoubts. On the night

of the 25th, Hussein Pasha made an attack upon them all—that of the right wing was taken by surprise, almost without drawing the sword; a heavy gale of wind having enabled the assailants to approach it unperceived. Six hundred men killed or wounded, were lost in this redoubt, and General Wreda, who commanded in it, was among the slain. The assault upon the second and third redoubts, after an obstinate struggle, and repeated attacks, was repelled; and the Turks made good their retreat into the town, abandoning the redoubt which they had carried, and taking with them the six pieces of cannon they had found in it. In this affair, the Russians lost, also, one cannon, the horses and men which served it, having been all killed. A single battalion of one of the Russian regiments lost, in killed and wounded, near three hundred men. Count Wittgenstein, then commanding the Russian army, deemed it no longer safe to hold the position of Eski Stamboul; and General Rüdiger, by his order, abandoned it, and rejoined the main body of the army. The communications between the place and Constantinople were restored, and on the 28th, a large reinforcement of men, and a plentiful supply of provisions, entered Shumla without opposition. The want of forage began soon afterwards to be felt in the Russian army, and the distance of fifteen or

twenty miles, to which their foraging parties were obliged to extend their movements, had led to the intention of removing the head quarters, on the 10th of September, to Jenibazar; but on the 9th, at 3 o'clock in the morning, the Turks, under the command of Hussein Pasha in person, attacked in force the centre and the left flank of the Russian positions. At the centre, two of their redoubts were suddenly assailed, each by four regiments of regular infantry, with which were mingled several corps of irregular troops. Three times before the dawn of day, the Turks reached the Russian intrenchments; and as often were driven back from the ditches, from which they finally retreated with so much precipitation, that they left their dead and wounded, to the number of nearly six hundred, behind. The Russian loss was comparatively very small.

During the same time, Halil Pasha, with a body of cavalry of 3000 men, and five hundred infantry, attempted to turn the left flank of the Russians; but while he was winding round the hill, by the village of Kassaply, upon the heights of which two of the Russian redoubts had been constructed, he was met by General Rüdiger with a brigade of Hussars and four pieces of horse artillery, who charged and put him to flight, and pursued him, until with his party he found refuge in the neighbouring woods.

After this action, the determination to withdraw the Russian force from before Shumla, was postponed until after the fall of Varna.

That place had been besieged from the 14th of July, by a Russian corps, first under the command of Count Suchtelan, who took post before it, and threw up redoubts and entrenchments, maintaining his ground; though by a sortie of the garrison upon that day, the Capudin Pasha Izzet Mohamed succeeded in introducing a reinforcement of several battalions of regular troops, and a detachment of cavalry. The result of another sortie on the 20th, was that Count Suchtelan and General Ourzakoff, who had advanced from Tulcza to support him, were obliged to withdraw from their position, to the rear of the village of Derbent, there to await reinforcements under the command of Adjutant General Benkendorf, who on the 14th had taken possession of Pravadi; and the assistance of the naval force commanded by Admiral Greig, who had arrived off Mongali. Here, on the first day of August, a corps of 3200 men, commanded by General Prince Menzikoff, landed, and Prince Menzikoff assumed the command of the siege of Varna. The Turks had ineffectually attempted to maintain an outpost on the woody heights five miles distant from the town; they had been driven from it by Prince Menzikoff

on the 3d, and the Russian fleet, composed of eight ships of the line and five frigates, was before the place, prepared to co-operate in the siege, when the Emperor Nicholas, on the morning of the 5th, arrived at the camp from before Shumla. He had left that place with the regiment of chasseurs, bearing his own name, twelve pieces of Cossack artillery, two squadrons of Cossack guards, and two battalions of light infantry; an escort, from the strength of which the dangers of the road from Shumla to Varna may be inferred. He took the road of Jenibazar, encamped the same day before Kosludji, where a day of rest was allowed to the escort. On the 4th, he proceeded and reached the redoubt in front of the village of Derbent, to which Lieutenant General Uszakoff had retreated after the sortie of the 20th of July. He was engaged the whole day of the 5th, in observing the fortifications and harbour of Varna; gave his orders for the prosecution of the siege, the direction of which he gave to Prince Menzikoff and Admiral Greig, and after dining on board of the Admiral's flag ship, the "Ville de Paris," passed on board the frigate *La Hore*, and sailed the same evening for Odessa, where, after a prosperous voyage, he arrived on the 8th.

One of the difficulties attending the siege of Varna, was its situation between the lake Dwina and the

sea; which rendered necessary the detachment of a corps of troops to the south of the lake, separated from the main body of the besiegers, and thus peculiarly exposed to the assault of the enemy. It was from this post, that the Russian troops had been compelled to retreat on the 20th of July; but after the arrival of Prince Menzikoff and the fleet, they resumed the offensive, and immediately after the departure of the Emperor for Odessa, they took post again at the place from which they had retired, and erected six redoubts to form the line of blockade between the sea and the plain adjoining the north side of the lake. This, notwithstanding continual sorties of the besieged, was accomplished in six days.

On the 7th of August, the bombardment of the place commenced; and on the night of that day, Admiral Greig detached several armed boats against the Turkish flotilla, which had sought shelter under the guns of the fortress.

This attack, favoured by the darkness of the night, was successful. The Russian armed boats were not discovered till within half musket-shot distance of the flotilla, and in face of the fire of artillery and of grape-shot at once from the fortress and the flotilla. The Russians took, by boarding, fourteen small Turkish vessels, and carried them off before the eyes of the Capudin

Pasha, who, jointly with Jusuf Pasha, commanded at Varna. On the same day, the Turks made an assault upon the redoubts, which lasted until sunset. It was repeated on the 9th; and in these attacks, the Turks exhibited indications at once, of their desperation and of their improvement in discipline, by the free use of the bayonet.

A few days after, Admiral Greig detached two frigates, a sloop and a cutter, to take or destroy the considerable magazines of warlike ammunitions and powder collected at Neada beyond Bourgas. Captain Kritzki executed successfully this commission. He took and demolished all the batteries; carried off twelve pieces of cannon, spiked twelve more, blew up the arsenal with all the ammunition which he could not carry away, and re-embarked, almost in sight of a strong Turkish detachment, sent too late to the assistance of the place.

In a sortie of the Turks on the 21st of August, Prince Menzikoff, while urging successfully the labours of the siege, was so severely wounded by a cannon ball, that he was taken up for dead, and thenceforth was disabled for the command. The chief of his staff, Perovski, then assumed it, and vigorously pursued the sapping operations, till, notwithstanding the incessant sorties of the garrison, he had established a new battery of mortars, within a

hundred and eighty yards of the town.

On the 29th of August the aide-camp General Count Woronzoff arrived in the frigate "The Standard," charged by the Emperor with the command of the siege, in the place of Prince Menzikoff. On the night of the 31st, the Turks made three sorties upon the redoubts, which defended the right of the Russian lines. They succeeded in carrying one of them, which, however, on the next night was recovered.

At the moment of the declaration of war, an ukase of the Emperor Nicholas had ordered a levy of two men to every five hundred, throughout most of the provinces of the empire. On the 21st of August, an order for a second levy of four men in five hundred, was issued at Odessa; from this order the provinces of Bessarabia and Grasinia only were excepted. The two levies were equivalent to a reinforcement of three hundred thousand men; and while they indicated the inflexible resolution, with which the Emperor had commenced and was prosecuting the war, the second levy following so speedily after the first, afforded a more accurate measure of the consumption of men in the campaign than the numbers of killed and wounded, recorded in the bulletins. It bore testimony not less decisive, that the experience

of the Emperor had proved to him, that the conflict in which he had engaged was deeper and more desperate, upon the part of his antagonist, than he had anticipated. He appears, at the commencement of the war to have been under the impression, that a single campaign would suffice for carrying all the strong places on the line of the Danube, so as to open to him the free passage of the Balkan before winter. This error was encouraged, more by the general opinion of Europe, than by the Russian experience of former wars. When the Emperor departed from the army before Shumla, he had probably been convinced, by his own observation, that his previous expectations had been too sanguine; that a second arduous campaign, would be necessary to accomplish his purposes in the war; and that his personal cares in providing for it, would be more effectively executed at Odessa, than before Shumla, where no successful result was at that time to be foreseen as probable.

Besides the levy of troops ordered at Odessa, he there ratified a contract for a loan of money in Holland, of eighteen millions of florins, to be levied by three instalments, and reimbursable in 37 years. At Odessa too, he appears to have determined upon the measure of blockading the Bosphorus, and the Dardanelles: other ne-

gotiations of a political nature, were also there pursued, with the Ministers of the primary European powers; particularly with those of his allies, of the treaty of 6th July 1827.

After visiting the military, naval and scientific establishments, at Nicolaieff, where a line of battle ship of 84 guns had just been launched, and where several other ships, of various force, were upon the stocks; after securing the effective operation of the new levy of troops; and ascertaining that the reinforcements under General Tscherbatoff, and of the imperial guard, to the number of fifty thousand men, had crossed the Danube, he embarked on the 3d of September to return to Varna; but after 24 hours of adverse and tempestuous winds was obliged to return to the shore. He proceeded immediately by land. At Kovarna, he found the frigate *Flora*, which had just cast anchor there; and embarking in her the next day, 8th of September, arrived in the harbour of Varna.

He established his head quarters on board of Admiral Greig's flag ship, the *Paris*, and by his presence, encouraged the labours of the siege. Four redoubts, constructed to cover the fortifications of the place, had been reduced to a heap of ruins. The besieging army had received a reinforcement of two divisions of the imperial guards, with

their artillery, and one division of light cavalry, forming a body all together, of about twenty-one thousand men. There was still a force of ten thousand fighting men in the fortress. On the north side, it was entirely invested. On the south, a detached corps of Russians, commanded by Lieutenant General Prince Madatoff, was in possession of Pravodi. To oppose them, there were seven or eight thousand men, headed by Omar Vrioné, detached from Shumlâ; and the Grand Vizier himself was expected with twenty thousand men, some detachments of whom had already reached Aïdos.

The Emperor, determining to complete the investment of the place, detached columns of the guards, and of troops of the line, to take possession of the south side of the Lake Dwino. Adjutant General Golowin, charged with this expedition, occupied, on the 12th of September, the heights of the peninsula of Galata, and took a position upon the road to Bourgas, without opposition from the Turks; while another detachment, effected in like manner its landing, without obstacle. Both these corps took a number of transports, and a considerable number of cattle, while upon their march.

The next day, they were attacked by a column of cavalry, which they repelled by the fire of their artillery; and at the same time, the gar-

rison made a desperate sortie, to destroy the works of the Russians on the right, which were advancing close to the ditches of the fortress. The regiments of Russian chasseurs charged with the bayonet, and had their ranks fearfully thinned. The intrenchments were taken, re-taken, and literally heaped with dead. The Russian Major General Perowskiu was wounded; but the Turks were finally routed, and compelled to abandon the last post they had till then retained, before the front of the Russian works.

At dawn of day, of the 14th, the Russians blew up the counterscarp of the northern bastion of Varna, being that nearest to the sea shore, so as to open a sufficient breach.

The Emperor caused a summons to be sent to the garrison to surrender; the answer given to the flag of truce, indicated a disposition to capitulate, and a truce was agreed upon, during which the Capudin Pasha, who commanded in the place, went on board one of the Russian ships to confer with Admiral Greig, authorized by the Emperor to treat with him concerning the capitulation. But the Admiral discovered, that the object of the Turkish commander was merely to gain time; and as he returned only evasive answers to every proposition made to him, the conferences were superseded; and on the morning of the 15th, the fire from the Russian batteries, both on the north and the

south side of the place, recommenced. The Capudin Pasha had in fact received, together with flattering accounts of Turkish victories at Shumla and Silistria, and in Little Wallachia, the order to defend his post to the last extremity; and advice of approaching reinforcements for the defence of Varna.

After several days of ineffectual cannonading, the approach of reinforcements in the direction of the Kamtchik, and on the road to Aïdos, was made known to the Emperor. A regiment of chasseurs of the foot guards, with a corps of cavalry, was sent to reconnoitre them, but they were soon driven back with considerable loss, in which General Hartung, commander of the regiment, Colonel Surger, an aid-de-camp of the Emperor, another Colonel, and ten other officers were included; and they returned, without having ascertained the force, or the direction of the enemy, who the next day appeared before the position of the Russians on the south side of the place.

But the troops stationed at that point, had already been reinforced by a corps under the command of Lieutenant General Bistrom. On the 27th of September, Lieutenant General Suchozonet was sent, with a brigade of infantry, a brigade of light cavalry of the guards, and two batteries, to the left side of the streight of Varna, to hold in check

the right wing of Omar Vrione, and to dislodge him from the village of Hadgi-Hassan-Laar.

On the 28th, Prince Eugene of Wurtemberg, detached from the camp of Shumla with a brigade of infantry, took under his command the 20th regiment of chasseurs, and effected his junction with General Suchozonet. On the same day, General Bistrom was attacked, from the head quarters of the Turkish reinforcements. Fifteen thousand men came out of their intrenchments, leaving an equal number within them. The engagement lasted four hours. The fire of the Russian batteries, and a charge with the bayonet, by the battalions of the Russian guards, put the Turks to flight; but General Freytag and Colonel Zaikoff fell at the head of their two battalions in the charge. One thousand Turks were left dead on the field of battle, and the Russian loss was probably not less. Both parties claimed the victory, and both remained the next day in the positions they had occupied before.

On the 30th, Prince Eugene of Wurtemberg was ordered to make a second attack upon the left wing of the enemy, which did not succeed. The 20th regiment of chasseurs, had made themselves masters of the first redoubt, and taken one cannon. In the front of the action, a single brigade, without waiting for the order, rushed, un-

supported, upon the parapet of the Turkish intrenchments, and after losing their commander, General Yarnoff, finally effected their retreat, not without heavy loss, to the protection of the camp batteries, and of the Hulans of the guard. The result of this action, though unsuccessful, was, that Prince Eugene established his positions near Hadgi-Hassan-Laar, without being molested.

The works of the siege were continued without intermission, on the northern positions, and upon the shore: one of the last redoubts in front of the fortress, had been carried, on the night of the 25th of September. Two mines had been effected, one at the end of the northern bastion nearest the sea, which was blown up on the 3d of October, and a part of the works crumbled into the ditches. The other, under the second northern bastion, although the miners were interrupted by four successive attacks, in which many of them perished, exploded, nevertheless on the 4th, and opened two large breaches in the bastion. The next attempt was, to occupy and establish batteries on these bastions. On the 7th of October, an hour before daylight, a corps of sharpshooters, sailors, with two companies of guards, and 150 miners detached to take possession of the first bastion, entered upon the breach without firing a gun, and

killed all the Turks posted there. Surprised at meeting so feeble a resistance, and seduced by the facility of their success, instead of performing the duty upon which they were sent, and establishing a battery on the bastion, they rashly pushed forward into the city. Some additional force was sent to sustain them, and several false attacks on other points were made to facilitate their return, and save them from the destructive pressure of the whole garrison, recovered from their first panic, and bearing already upon them. A small portion of them only escaped, after spiking or throwing into the ditches, the cannon they had found in the bastion, and they rushed back through the breach, followed by a number of christian women and children, who had flocked to them, as they retired from the city.

It was evident, from this occurrence, that the place could hold out no longer. Several breaches were open, and the preparations were making for a general assault. On the 8th of October, at noon, a private secretary of Yussuf Pasha, accompanied by two Turks, went on board of the *Paris*, to treat of the surrender of the place. This negotiation was renewed the next day, in the tent of Count Woronzoff, on shore, but still without effect. On the same evening, however, Yussuf Pasha himself, appeared in the tent, promising to

return the next morning; and delivered a declaration, acknowledging the impossibility of longer defending the place; that he had proposed to treat for a capitulation; but that the Capudin Pasha, having inflexibly refused to surrender upon any terms, he, Yussuf Pasha, had determined to put himself under the protection of the emperor, and not to return to the city.

This resolution was no sooner made known in the fortress, than the whole body of troops, under the command of Yussuf Pasha laid down their arms, and went out, on the evening of the 10th, and the morning of the 11th, conducted by their officers, and surrendered prisoners of war. The Capudin Pasha retired, with about 300 men, into the citadel, and demanded the liberty to evacuate the place, and retire, to join the Turkish force, commanded by Omer Vrione, to which the emperor consented, on condition that he should go by the way of Pravodi, or take the passage by sea, for Bourgas.

At noon, deputies from the city, arrived and delivered its keys to the Emperor. The Russian troops immediately took possession of it, under a salute of artillery, from all the ships of the fleet. The ambassadors and ministers of the Emperor's European allies, excepting Lord Heytesbury, had arrived from Odessa, just in time to be present at the *Te Deum*, perform-

ed at the camp of Count Woronzoff, upon the occasion of this great achievement, which decided the final issue of the war.

Those allies, and especially Great Britain, far from considering this success as a subject of gratulation to themselves, beheld in it an event still more untoward than the victory at Navarino. The success of the campaign had until then, been somewhat uncertain ; the progress of the Russian arms less rapid ; the resistance of the Turks more vigorous ; and the result of the war, more doubtful than had been generally anticipated. The observation of Rochefoucault, that in the misfortunes of our best friends we always find something which does not displease us, was more than realized by the Emperor Nicholas. The Turks themselves, did not more heartily welcome every disaster that befell his army, nor lament more sincerely every laurel that he gathered, than his associates of the Wellington protocol and treaty. The periodical organs of public opinion, particularly those, the pipes of which were inspired by ministerial breath, instead of joining in the choral shout of praise to God, for the surrender of Varna, would far more cheerily have responded to the *Fatihah* of the Koran, had the Emperor Nicholas and his host found their graves before its walls. When the surrender of that important place,

by a transaction, the true character of which was to effect, without bloodshed, that, which in less than one week, would have been accomplished, by a sacrifice of at least ten thousand human lives, took place, the English allies of Russia, solaced their mortification at the event, by imputing the surrender of Yussuf Pasha to treachery—and charged the Russian army with stealing into Varna.

Were it true, that in that state of the siege, the Emperor Nicholas had purchased the defection of Yussuf Pasha, it would have been no subject of reproach to him, for he would thereby have purchased the lives of the whole Turkish garrison, of all the inhabitants of Varna, and of scarcely less than five thousand of his own troops. It would have been a humane and magnanimous act ; and the attempt to hold it up in the colours of shame, as a stain upon his arms, is as destitute of moral as of military principle. Yussuf Pasha received a considerable sum of money, to fix his residence at Odessa ; and lands in Crimea, the produce of which was estimated at 25,000 tchetwarts of wheat a year, as indemnity for the confiscation of his estates in Roumelia.

But the Sultan himself has discredited the imputations of bribery, by restoring, even before the peace, the family of Yussuf Pasha, which had been seized as hostages, and

his harem, which had been sequestered in the first moments of resentment and suspicion after his surrender. The immense landed property of Yussuf Pasha, might have shielded him from the illiberal suspicion of having been purchased by a bribe. The history of the siege, from its commencement till the incident of the 7th of October, abundantly proves, that the powers of resistance in the place, were exhausted. The event of the storm was as certain as any, that human foresight can predict. It would have been a massacre equally awful and unavoidable. The Capudin Pasha himself had parleyed for a capitulation, but his orders were positive, sooner to sacrifice himself and his whole garrison : orders, which, while they betray the conscious desperation of the Sultan, were beyond the tone of human nature, as organized in the Ottoman constitution of the present age. The Capudin Pasha knew that *he* could sanction no capitulation, but at the expense of his own head. He knew equally well that a storm would put him and his whole garrison to the sword. It is apparent, therefore, that he permitted, and most probable that he approved, the surrender of Yussuf Pasha, whose communications with the Russian camp were neither sudden nor clandestine. After his first visit to Count Woronzoff, which had been preceded by two flags of truce, and

after making verbally his declaration of surrender, he went back into the place, and returned the ensuing day. All this could not be unknown to the Capudin Pasha.—The departure of Yussuf Pasha, was but the absence of a single man ; he left all his troops still under the command of the Capudin Pasha ; but the simple fact was, that they were not prepared to sacrifice their lives for no earthly purpose. They followed, therefore, the example of their leader ; and left the Capudin Pasha with his three hundred followers, to retire into the citadel, and save himself from the inexpiable crime of capitulating for his post, contrary to the Sultan's orders.

The loss of Varna produced a deep impression at Constantinople, and throughout Europe. The rule of the Ottoman government is, to behold in every unfortunate commander an object of vengeance ; a rule which not unusually recoils upon the Sultan himself. The commanding officer at Isaktcha, with several of his subordinates, had paid the penalty of the bow-string, for surrendering to the Russians a place utterly defenceless ; and now the charge of treachery against Yussuf Pasha, only saved the Capudin Pasha from the same fate. The first impression of the Sultan, was to include him in the roll of punishment. The next was to transfer his crime to the Grand Vizier, and promote him to his

place. Mehemed Selim Pasha was accordingly dismissed from office, and Izzet Mehemed Pasha was invested with the pelisse of Grand Vizier in his stead.

The continuance of the Russian army of Count Wittgenstein, before Shumla, could no longer be expedient, after the fall of Varna. There was no possibility of reducing it, in the short remnant of the season ;—the army of the Grand Vizier, with the troops of Omer Vrione, had retreated beyond the Kamtschik. Wittgenstein was ordered to fall back upon Silistria, which, since the middle of July, had been besieged by General Geismar ; and which it was hoped, might still be subdued before the winter should set in. Having given these orders, the Emperor Nicholas embarked on the 14th of October, with the Grand Duke Michael, and several Generals, and the diplomatic corps, in another vessel for Odessa. This voyage was signalized by one of those incidents, which mark the limits of human power, and the vicissitudes of human fortunes. The ships, almost immediately after clearing the harbour, were assailed by a tempest of extreme violence, to which the Black sea is occasionally subject. It lasted three days, during which, the only alternative of the Emperor seemed to be, to sink into the watery sepulchre of the Euxine, or to be stranded on the shore of the Bosphorus ; and

fall, with his brother, helpless captives into the hands of the Sultan. It is in times like these, that the souls of men are tried. In the midst of the darkest terrors of the whirlwind, not a sign of alarm or perturbation escaped from the Emperor. Conscious of his dependence on a higher power than his own, he was as far from betraying a sentiment of fear, as from the presumptuous confidence of Cæsar on a like occasion. We trust that fortunes of a deeper moment, and of happier import to the human race, were suspended on the safe issue of the imperial vessel from that storm, *than ever hung on the life of Cæsar*. After four days of imminent danger, she was ultimately saved ; and in the night of the 19th, the Emperor landed at Odessa. The other ship, laden with her diplomatic freight, after some days of still greater extremity, and variety of dangers, finally made the port of Sevastopol in the Crimea. The Emperor returned immediately to St. Petersburg, where he arrived on the 26th of October.

We have said that at the beginning of the campaign, the two principalities of Moldavia and Wallachia had been occupied by General Roth without opposition. The Hospodars of the two provinces had received from Constantinople the assurance, that in the event of war with Russia, they would be neither occupied nor molested by the Ot-

toman troops ; and the order to retire personally to the Turkish territory ; leaving only the fortified places to be defended. The Hospodar of Moldavia had not even time to execute this order, but was surprised and taken prisoner by the entrance of the first column of the Russian army at Jassy. They were received every where as friends, and proceeded by forced marches to Bucharest ; from whence, however, the Hospodar of Wallachia, Ghika, *had* found time to escape, and taken refuge at Kronstadt in Transylvania. The administration of the two provinces was confided by the Emperor to Count Pahlen, and the seat of the government was established at Bucharest.

Four days after the arrival of the Russian troops, the Wallachian divan assembled, and prepared an address to the Emperor Nicholas, soliciting his protection, and indicating, rather than formally declaring, their desire to be incorporated with the Russian empire. It was answered by Count Nesselrode, from the camp of Satownova, on the 28th of May, disclaiming, on the part of the Emperor, all design of extending his territories by conquests ; but assuring them that he would make it his care, to secure to them the effectual enjoyment of their rights and privileges.

When the central and left divi-

sions of the Russian army advanced upon Shumla and Varna, that of General Roth proceeded to the siege of Silistria, on the right bank of the Danube. After approaching to Oltanitzza, he abandoned the intention of crossing the river at that point, and descending to Kirsova, which had been already taken by the Russians, there effected his passage, and retracing his way up, commenced the siege on the 21st of July, with about eleven thousand men. A detachment of the same body, commanded by General Kamiloff, observed Giurgevo on the left bank ; while General Geismar, with another detachment of five or six thousand men, covered Little Wallachia from the incursions of the garrisons of Widdin and Kalafat. These Generals had not forces sufficient for the objects in view, and with difficulty resisted the sorties and desultory warfare of the Turks, who often boasted of them as victories. General Langeron, left with about twelve thousand men for the occupation of the two principalities, was also constantly made sensible of the want of reinforcements.

About the middle of August, while General Geismar was projecting an invasion into Servia, with a view to promote an insurrection of the people of that province against the Turks ; the Pasha of Widdin, who had received reinforcements, suddenly crossed the

Danube in the neighbourhood of Kalafat, with nearly twenty thousand men, and by a rapid march came up with General Geismar at Galentz, whose force not exceeding six thousand men, he was obliged to retire upon Czaroi, where he threw up entrenchments, leaving his magazines of provisions, stores of timber for building, and six thousand head of cattle, to the Turks, who drove them off to Widdin. The next day the attack was renewed. General Geismar was again driven from his position, and retreated precipitately by the way of Kirjowa to Slatina, where he expected a reinforcement from General Langeron. Wallachia was exhausted by contributions of money, and by requisitions of all kinds—provisions, cattle, forage—threatened with military execution, and ravaged by the plague. Count Pahlen issued proclamation upon proclamation for the encouragement of the inhabitants, and to retain them in the province; but in the consternation of this new invasion, they fled in multitudes from their homes, and sought refuge in the territories of Austria. 124 wagon loads of Russian wounded soldiers passing through the country immediately after these actions, and a succession of scouting parties from Giurgevo and Rustshuck, aggravated the terrors of the inhabitants; but the Turks ventured upon no general attack, and re-

turned from all these predatory sallies only with a stock of plunder, and sometimes with hundreds of Christian inhabitants of the provinces, whom they compelled by the most barbarous treatment to labour upon their fortifications.

Several weeks thus passed away, till General Geismar, reinforced by a detachment of two thousand men, returned to his position in front of Krajoua; when, on the 26th of September, the Seraskier of Widden, who had been appointed in a manner unexampled in that Province, Pasha of Kalafat, attacked him with eighteen thousand men, of whom were several battalions of regular infantry, and with thirty pieces of cannon, the camp of Crozoi. Gen. Geismar is said in the Russian bulletin to have, with a force of only four thousand two hundred men, sustained this attack from noon till the dusk of evening, without decisive advantage to either side. The Turks remained in possession of the field, and General Geismar took a position in the rear of that he had previously occupied. But, perceiving some disorder in the Turkish camp, and aware that from their superior numbers he must expect a new attack the next morning; he resolved to anticipate their movements, and make a concerted assault upon them the same night from several points at once. In less than two hours the line of their regular infantry was broken, and the rest took to flight in irre-

coverable confusion towards the Danube; leaving to the Russians five or six hundred prisoners, seven pieces of cannon, twenty-four standards, many horses, and six or seven hundred baggage and provision wagons. Gen. Geismar, following up his victory, by a march of upwards of thirty miles in one night, overtook them at Kalafat, where, to the number of ten thousand, they had sought refuge, throwing away their arms in their flight, and whence with equal precipitation, a remnant of them fled. This brilliant achievement relieved the Russian army from all further annoyance in that quarter, during the remainder of the campaign.

Little progress was made, meantime, upon the works at the siege of Silistria. The besiegers, not equal in numbers with the garrison, were harrassed by the incursions above mentioned, and by frequent sorties from the garrisons of Rustshuck and of Giurgevo. The Turks had also made several sorties, from the fortified heights outside of the place, against the Russian batteries stationed in front of the city. On the night of the 4th of September, General Roth sent a battalion of infantry to attack, in front, the intrenchments upon those heights; while two squadrons of Hulus manœuvred in their rear, and frightened the Turks, who abandoned their position, without even an attempt of defence. The Governor

of the place, Mahmoud Pasha, made an effort the next morning to recover them, by three successive attacks. In the third, with at least three thousand men, and five pieces of field ordnance, supported by the artillery upon the walls, some of the Turks succeeded in reaching the heights, but were swept away by the Russian artillery; and the remainder of the division, charged in front by the Russian infantry, upon the flank by the Hulus, and in the rear by four companies of grenadiers, were quickly driven back to the very walls of the place, the gates of which were shut against the fugitives, lest the Russians should rush in together with them.

The besiegers then threw up redoubts upon these heights, and armed them with heavy artillery, from which a brisk cannonade was kept up against the place; notwithstanding which, occasional sallies were still made by the besieged, and were as frequently repelled. On the 23d of September, a corps of five or six thousand horseman, detached from the Turks at Shumla, appeared on the road to Tourtowkai, and drove in the Russian advanced posts, upon their intrenchments; while at the same time, an attack upon the Russian redoubts was made by a detachment from the city. This detachment, was, however, driven back; and the cavalry, after an engage-

ment with the corps of Lieutenant General Kreutz, fell back with considerable loss, upon Shumla, whence they came.

Such was the relative position of the belligerent parties, at Silistria, till the middle of September, when General Prince Tcherbatoff arrived, with the second corps, and took the direction of the siege, in the place of General Roth, who was called before Shumla.

From that place the retreat of Wittgenstein's army, after the fall of Varna, was attended with severe disasters. The third corps, under General Roudzwitch, was to have joined the second and sixth, commanded by Generals Tcherbatoff and Roth. Their departure was molested by scouts of cavalry, hanging upon their rear, who were easily repelled; but on the 19th of October, just as the third corps were about to enter a narrow pass covered with wood, the rear guard were attacked near the village of Ardokhdon, through which they were to march, by a corps of about eight thousand cavalry, supported by regular infantry and artillery. The action that ensued was obstinate and bloody; but the Turks, after obstinate efforts, and heavy loss, left the Russian army to continue their retreat, without further molestation from them; though it became from day to day more difficult, by floods of rain, rendering the roads almost impassable.

The friendly allies of Russia, comforted themselves for the untoward event of Varna, in the contemplation and exaggeration of these distresses and misfortunes of the Russian arms. They compared the retreat of the third Russian corps to Silistria, with that of Napoleon to the Beresina, in 1812. The truth was, that the Russian cavalry, weakened already by a campaign of almost perpetual combat, and by the scarcity of forage, was nearly dismounted. Their loss of horses was immense—there were scarcely enough left to draw the artillery and the baggage; but the loss of men was comparatively small, and the Turks made no serious impression upon them in their retreat.

Arriving before Silistria, Field Marshal Wittgenstein found the works of the siege not much advanced. General Tcherbatoff had fallen sick, and had been succeeded in the command by Count Langeron, till the expected return of General Roth. The Russian park of artillery was of not less than 120 pieces; but the garrison received several successive reinforcements of men, and supplies of provisions, and annoyed the besiegers by incessant sorties, more or less successful. The redoubts erected in front of the city or camp, had been repeatedly taken and retaken, but immediately after the arrival of the corps from Shumla,

a long series of tempestuous weather, and torrents of rain, had flooded the trenches, and rendered the passage of munition and provision wagons impracticable. On the second of November, Count Wittgenstein made a last effort by converting the siege into a bombardment, in the hopes of reducing the garrison to propose a capitulation. It was continued two days and nights, without effect. The winter set in with a severity seldom known in that climate—the batteries and barracks were covered with snow—the Danube was full of floating ice—the supplies of provisions wholly failed—the communications were cut off. Count Wittgenstein concluded to raise the siege, and to place the army in winter quarters. The remnants of the second and third corps, were embarked in a flotilla, upon the Danube, and descended in two divisions, to Kallarasch and Kirsova. A strong division of the flotilla remained in sight of Silistria, to observe the garrison; and redoubts were thrown up at several bridges on the left bank of the Danube, before the other fortresses, still possessed by the Turks. Notwithstanding these precautions, the Russian army suffered great distress and severe losses. After a long and painful march, Count Wittgenstein, at the head of the general staff, arrived on the 19th of November at Jassy.

The abandonment of the lines

before Shumla, and the failure of the siege of Silistria, had disappointed the expectation, somewhat too sanguine, of the Russian army and nation. Count Wittgens was received with every mark of respect by the authorities of the Wallachian capital; and the birth day of the Grand Duke Michael was celebrated with rejoicings and festivities, not unmingled with murmurs of complaint and dissatisfaction, at the administration of the two principalities; the deficiency in the organization of the system of furnishing supplies, and even at the conduct of the military operations.

The impression upon the public mind was, that upon the whole, the campaign had been unsuccessful; and it was natural that a heavy share of the responsibility for this issue, should fall upon the commander-in-chief of the army; by whom it had been commenced. Nor was this impression weakened by the consideration, that this ill success had been most conspicuous precisely at the places where he had commanded in person. The resignation of Count Wittgenstein was generally expected, and was actually tendered to the Emperor, who did not immediately accept it. On the contrary, he gave him assurances of his personal satisfaction, and enjoined his further continuance in command. The count, however, persisted in

soliciting the permission to retire, and pleading the state of his health, disordered by the fatigues of the campaign, he obtained, on the 21st of February, 1829, the Emperor's acceptance of his resignation. The chief of the Imperial General Staff, General of Infantry, and Aid-de-Camp General, Count Diebitch, was appointed to the command of the second army, and the General of Infantry, Aid-de-Camp General Count Paskevitch, of Erivan, commander-in-chief of the detached corps of the army of the Caucasus.

At the end of November, the main army still contained an effective force of about eighty thousand men. Nearly an equal number had perished, or been disabled, in the campaign. Of the survivors, seven or eight thousand were stationed in Little Wallachia, under General Geismar, fifteen or twenty thousand in the two principalities, commanded by Count Langeron. The rest were distributed in the fortresses on the right bank of the Danube, or posted along from Badakh to Varna, for mutual support in the event of an attack. The corps of General Roth, composed of the remnants of the sixth and seventh corps, and of the imperial guards, included six divisions of infantry, (incomplete,) one of cavalry, four regiments of Cossacks, three battalions of pioneers, and a numerous artillery. The head quarters were at Varna, the forti-

fications of which had been repaired and strengthened; and the advanced guard was at Pravodi.

The Turks made considerable efforts, and some demonstrations of resuming the offensive, and recovering Varna; nothing serious, however, occurred till the 2nd of December, when a corps of six thousand men, detached from the army of the Grand Vizier, appeared before the advanced posts of the Russians, near Pravodi. They remained several days in that position, and then, without attempting any thing, retired upon Aïdos and Shumla. The Russians pursued them in their retreat, and took from them five hundred head of cattle. Some slight skirmishes upon the Danube took place between the 8th and 14th of December, before Giurgevo; but the severity of the season, impassable roads, and fields covered with snow, compelled both parties to remain inactive in their winter quarters.

While the European dependencies of the Ottoman Porte had been the scene of this sanguinary and indecisive campaign, her possessions in Asia had been more successfully assailed. General Paskevitch of Erivan, had barely concluded the Persian war, by a definitive treaty of peace. His army had enjoyed but a short interval of repose, when he recommenced his operations. On the 7th of July, at six in the morning, the troops were

formed in close columns, upon a height, not far from the river of Arpatschai and Mount Ararat. Divine service was there performed, to implore the protection of Heaven upon the Russian arms. Among those columns, was the novel exhibition of the regular regiment and volunteer ban of the Tartars of Shirwan, who defiled in perfect order before their general. At the signal given, the Cossacks of the Don passed the river of Arpatschai, followed by the other corps, and marched directly upon Kars, one of the principal places of Turkish Armenia; the population of which had been reduced by the emigration of the United Catholics; but the garrison, consisting of ten or eleven thousand men, was very strong in cavalry.

The investment of the place was made on the 13th of July. The commanding pasha had taken post upon a height, in an intrenched camp, which commanded the city on the south-west side. It was essential that it should be taken, to continue the labours of the siege. After two or three days of small skirmishing, the Russians, on the 15th of July, charged the intrenchments with the bayonet, with such impetuosity, that the Turks were immediately dislodged from them, and the three ramparts which surrounded the town were successively carried in the pursuit. A small part of the garrison took refuge in the citadel, upon a mountain, named

Kaiodag, which a few hours afterwards they surrendered. Three thousand horsemen escaped into the mountains. The rest laid down their arms. The Russians found in the fortress 151 pieces of cannon, 33 standards, and considerable stores of arms, ammunition and provisions. General Paskevitch of Erivan established at the place a military regency to administer the pashalik, in the name of the Emperor of Russia.

About the same time, Prince Sipiaguin, governor of Georgia, sent to attack Poti, a detachment composed of troops stationed in the provinces of Imiretia and Mingrelia, with whom was joined a corps of Mingrelian militia, commanded by their Khan, under the orders of Major General Hesse. The fortress of Poti, invested on the 20th of July, surrendered after a bombardment of six days, by a capitulation, which permitted the garrison, consisting of inhabitants of the neighbouring provinces, to return to their homes. Forty-four pieces of cannon, and some munitions of war and provisions, were found in the place, the last possession of the Turks on the eastern shore of the Black sea. Its position rendered its possession of some importance to Russia.

General Paskevitch of Erivan, after the reduction of Kars, apparently with the project of completing the conquest of Turkish Georgia, and to open a communication for his army with the Black

sea, made his next movement upon the fortress of Akhalkali. His march across the upper chain of the Tschildyr mountains, was long and dangerous. He arrived before the place only on the 12th of August; but there he met no resistance. A part of the garrison fled at his approach; and the rest laid down their arms. Another small fort in the neighbourhood, called Tcherwisy, surrendered a few days after to a detachment of Tartar militia. Twenty-seven pieces of cannon, with munitions and provisions, were taken in these two places; and General Paskevitch pursued his march upon Akhaltzik, situated at the northern extremity of Turkish Armenia.

This march was impeded by partial excursions of the Turkish cavalry, upon his rear towards Kumry; but more by the mountainous character of the country, intersected by considerable water courses. The Pashas of Kars and Erzeroum (Mehemed Kios, and Mustapha) availed themselves of the delays caused by these obstacles, to assemble about thirty thousand men, of irregular troops, who reached the walls of Akhaltzik nearly at the same time with General Paskevitch, and intrenched themselves, after the Turkish manner, in three or four small separate camps about the place. On the 29th of August, General Paskevitch crossed the Koura, and encamped

before Akhaltzik, in the face, and in defiance of these forces, though three times outnumbering his own. After throwing up four redoubts to cover his camp, and establishing his batteries within half a mile of the place, on the 2d September, he determined to leave troops for the defence of the camp, and of the works; and by a movement with eight battalions of infantry, supported by cavalry, and twenty-five pieces of cannon, to turn the city by an almost impassable road, and to attack the reinforcements under the two Pashas. His march, however, was discovered at the dawn of day, and he had barely time to put his troops in position, when they were attacked from three sides at once with the most determined impetuosity. After an obstinate conflict of fourteen hours, in the extremest heat of summer, the intrenched camp of the Turks was carried by assault; the auxiliary levies were put to flight, and their four camps fell into the hands of the Russians. A part of the Turkish troops sought refuge on the road to Erzeroum. About five thousand, with Mehemed Kios, who was wounded, threw themselves into the place. Eleven standards, ten pieces of cannon, and all their stores, were taken by the Russians, whose loss however, was very severe. The siege was immediately commenced; three days of incessant cannonade opened large

breaches in the ramparts; and on the 8th of September, the assault took place. After thirteen hours of resistance and slaughter, costing, as Count Paskevitch affirms, in his subsequent order of the day, torrents of blood at every step, the place, famous by the sanguinary violence of its inhabitants, and defended by fifteen thousand men, remained the prize of the victorious army. Five horse tails, as many standards, seventy pieces of cannon, and five thousand slaughtered enemies, were the trophies of the day. The portion of the garrison which succeeded in effecting their retreat into the citadel, surrendered the next day by capitulation.

It is presumable, that the price at which these successes had been purchased in the blood of the victors, had too much reduced the army of General Paskevitch, to warrant any further undertaking by him upon Erzeroum or Trebizond. A corps of Turkish cavalry, commanded by the Pasha of Mousch, attempted a diversion in the province of Kars; but were put to flight by a detachment from that place, commanded by Prince Bekovitch, on the 10th of September; and on the 15th, another regiment took possession of Ardaghan. General Paskevitch afterwards detached a corps of 1,200 infantry, 600 cavalry, and six pieces of artillery, under Major General Prince Tschifschiwadzin, who, after se-

veral skirmishes, with the assistance of a body of volunteer Armenians, and of about 100 Kurds, commanded by Kassan-Aga of Gossina, took possession of Bayazid, Djadin, and the fortress of Toprak-Kalch; occupied the whole pashalik of Bayazid, and unfolded the Russian standard for the first time upon the banks of the Euphrates. With this, terminated the campaign of the Asiatic army under General Paskevitch of Erivan, who went into winter quarters about the 20th of October, 1828.

The naval operations of Russia will complete the account of the operations of the campaign. The destruction of the Turkish fleet at Navarino, had left to the Russians the indisputable command of the Black sea; a circumstance of no inconsiderable moment, in preparing the issue of the war. Immediately after the declaration of the Emperor of the 7th of May, an expedition of seven or eight thousand men, under the command of Admiral Greig, was embarked at Sevastopol, and directed against the fortress of Anapa, on the eastern shore of the Black sea. The expedition sailed on the 15th of May, but was so delayed by adverse winds, calms and fogs, that it arrived before Anapa only on the 26th. On the 28th, the landing of the troops was effected under the command of the aid-de-camp, General Prince Mentzikoff, under the fire

of a garrison of 3,000 men, supported by Circassian cavalry, and several thousand mountaineers. The Russians had also received some reinforcements from Turnau. They drew a line of circumvallation around the place, crossing the isthmus upon which Anapa is built; and extended on both sides to the sea. After some days, the works were pushed to the glacis, and on the 10th of June, the descent into the ditch having been effected, and three breaches opened, the Pasha surrendered the place the next day. Eighty-five pieces of cannon, and abundant supplies of warlike stores and provisions fell into the hands of the victors. Admiral Greig, with the fleet, consisting of eight line of battle ships, five frigates and some smaller vessels, and the seventh division of infantry, proceeded from Anapa to co-operate in the siege of Varna, before which place he arrived about the 4th of August.

Besides this fleet, there was a squadron under Vice-Admiral Count Heyden, which had been sent into the Mediterranean in 1827; and which was now blockading the Greek islands, that were in possession of the Turks; and also another squadron of four ships of the line and three frigates, under the command of Rear Admiral Ricord, who sailed from Cronstadt in July, to join with Vice-Admiral Heyden, for the blockade of the Dardanelles.

At the commencement of the

war, the Russian government appeared to have been somewhat embarrassed, with regard to the principles upon which their maritime warfare should be conducted; an embarrassment resulting from two different sources—first, from the inconvenience to the belligerent condition, of the principles favourable to maritime neutrality, which had so largely contributed to the glory of Catherine the Second, and which the Emperor Alexander so long maintained; and, secondly, from the double attitude in which the Russian force in the Mediterranean was exhibited,—associated with the squadrons of Great Britain and France, in execution of the treaty of 6th of July, 1827, and at the same time, separately belligerent against the Turks. In this dilemma, the first orders issued to Admiral Heyden, were to exercise the rights of a belligerent, with the most scrupulous regard to those of neutral commerce; and with reference to the conflicting principles between neutral and belligerent maritime rights, to follow the principles of the treaty between Great Britain and Russia, in 1801:—a selection of authority the more remarkable, inasmuch as it was a treaty no longer existing as obligatory between the two nations. The principles of that treaty were neither those of the armed neutrality, nor those for which Great Britain, as a belligerent, had contended;

but a compromise between them. They abandoned the claim of right to carry the property of enemies in neutral ships; but they conceded something to the Russian doctrines and interests, in the list of contraband articles, and in contracting the extent of lawful blockades. But the rights of nations, to British statesmen, are one thing when Britain is a belligerent, and another thing when she is a neutral power. As between Russia and the Porte, she was now neutral; and the principles of her treaty of 1801 did by no means suit the interests of her commercial navigation in the Mediterranean. She remonstrated—she expostulated; and the Emperor Nicholas, at least for a time, waived his belligerent rights in that sea. “His imperial majesty,” said the King of Great Britain, in his speech to Parliament on the 28th of July, “has consented to waive the exercise, in the Mediterranean sea, of any rights appertaining to his imperial majesty, in the character of a belligerent power; and to recall the separate instructions which had been given to the commander of his naval forces in that sea, directing hostile operations against the Ottoman Porte.”

“His majesty will therefore continue to combine his efforts with those of the king of France and his imperial majesty, for the purpose of carrying into complete ex-

ecution the stipulation of the treaty of London.”

Whatever may have been the negotiations between the two cabinets, which led to the result thus announced; it is clear that the king of England intended by the language of this paragraph to be understood, that his continuance to combine his efforts with those of France and Russia, for the execution of the treaty of 6th July, 1827, had been conditional; and depended altogether upon the consent of the Emperor Nicholas to waive his belligerent rights in the Mediterranean; and that this resolution had been distinctly made known to the Emperor. It is not said, but the necessary inference from the paragraph is; that unless he had consented to waive his belligerent rights, Great Britain would have discontinued her joint efforts for the execution of the treaty of London; and that he had consented to waive his rights under a warning of the intended alternative.

That there was some misunderstanding between the two cabinets, resulting from this complicated condition, half belligerent, half neutral, appears evident from the letter of Count Heyden of the 28th of October, 1828, to the officers commanding the squadron of the neutral powers in the Levant, announcing the blockade of the Dardanelles and of Constantinople;

a measure which must have been determined upon at St. Petersburg, if not before, very shortly after the knowledge there of this speech of his Britannic majesty. The blockade of the Dardanelles was surely not a waiver of belligerent rights. The letter of Count Heyden observed, that the ordinary and positive laws of maritime neutrality imposed upon neutrals the obligation of respecting every effective blockade, and secured to the power establishing it the lawful right of causing it to be observed rigorously, and without exception ; but that his imperial majesty, always faithful to his promises, to occasion as little damage as possible to the commerce of neutral nations, authorized his squadron,

1st. To permit the entrance of the Dardanelles, (and access to Constantinople,) to all neutral vessels submitting to be visited, and having on board no contraband of war or provisions.

2nd. To permit the passage from Constantinople, of all vessels bound to Europe, unless with troops, or warlike stores, or provisions, for places within the limits prescribed by the treaty of 6th of July, 1827.

3rd. To use force only at the last extremity, against neutral vessels attempting to evade the visit, or to violate the blockade.

The execution of the blockade was committed to the charge of the

squadron under the command of Vice-Admiral Ricord. It was never very effective. The rapidity of the currents, and the dangers of the winter season, rendered it impossible to keep the ships permanently stationed at the entrance of the Dardanelles. Liberal as were the exceptions favourable to neutral commerce in the Admiral's instructions, they were still not sufficiently accommodating to English commerce in particular ; and another relaxation was subsequently granted, by permitting neutral vessels, laden at what port soever, before they could have had knowledge of the declaration of blockade, to carry their cargoes to their destination, until a given time. But neither this blockade, which was much interrupted in the winter, nor a decree of the Emperor, issued the 20th of August, which prohibited the exportation of all sorts of grain from the ports upon the Euxine, and the sea of Azoff, appear to have had any effect in producing a scarcity at Constantinople.

Upon the return of the Emperor to St. Petersburg, on the 26th of October, he found his mother ill of a fever. She died a few days after, deeply lamented by him, and sincerely regretted by the whole nation. She was born on the 26th of October, 1759 ; daughter of Frederick, Duke of Wurtemberg ; and was the second wife of the

Emperor Paul ; his widow since the 24th of March, 1801. She was a woman of eminent qualities ; of consummate prudence ; of a generous and lofty public spirit ; and of conspicuous devotion to her duties, in all the relations of domestic life. It may be doubted, whether the influence of Catherine the second herself, upon the fortunes and character of the Russian people, has been as great, or so beneficent, as that of this princess. She was at the head of several institutions founded by herself, for the promotion of the useful arts ; for the improvement of national manufactures ; and especially, for the education of females, as well in the highest as in the humbler walks of life. She devoted herself with the most indefatigable assiduity, and the most ardent maternal affection, to the education of her own chil-

dren ; and was rewarded, not only by the deepest filial reverence and gratitude on their parts, but by the developement of fine qualities of the heart and understanding in them. Of her personal ascendancy over them, the abdication of the Czarevitch, Grand Duke Constantine, of his right to the imperial throne, and the elevation of the present Emperor, upon the decease of their brother Alexander, is an example perhaps without parallel in the annals of the world. It was the ascendancy of exalted virtue, and of a large and comprehensive mind, the more absolute for being purely intellectual ; an ascendancy before which that of the sword or the sceptre withers into impotence. It was the magic of a mother's tenderness and penetration, upon the conscience and the will of dutiful children.

CHAPTER XIII.

Expulsion from Constantinople, of Armenian Catholics—Deputation of four Archbishops, to offer an amnesty to the Greeks—Treaties with Spain, Naples and Denmark—Preparations for war—Efforts of the Austrian and Netherland Legations at Constantinople, to avert the war—Answers of the Porte—Arrival of the Russian Declaration—Council at the House of the Mufti—Note from the Reis Effendi, inviting the return of the British and French Ambassadors—Answer of Count Guilleminot—The Sultan consults a fortune-teller—Decides for war—War measures—Levies of troops—Fail in Bosnia and Servia—Disorders at Constantinople—Departure of the Grand Vizier, for Varna.—The Sultan removes to Ramish Tchifflik, with the Standard of the Prophet—Landing of the French Army in the Morea—New invitation to the French and English Ambassadors to return—Surrender of Varna—Yussuf Pasha declared infamous—His estates sequestered—The Grand Vizier displaced—Izzet Mehemed appointed to that office—Retreat of the Russians from Shumla—Siege of Silistria raised—Effect of these events at Constantinople—Armies retire to winter quarters—Blockade of the Dardanelles by the Russians—Negotiations at Constantinople, renewed by the Dutch Minister Van Zuylen—Declaration of the British, French, and Russian Ministers at London, the 16th of November, 1828—Communicated to the Porte.

WE closed the account of the affairs of Greece and Turkey, in the preceding volume of this work, with the departure from Constantinople, of the ambassadors of Great Britain, France and Russia, on the 8th of December, 1827. And in the foregoing chapters, we have seen the determination of the Ottoman Porte, then immediately taken, to make it the signal of a war with Russia; and to give it the character of a religious war. This intention was fully disclosed in the Hatti Sheriff of the 20th of

December, and was further manifested by the measures immediately taken, not only against Russian subjects and commerce, but by the expulsion at a few days notice of all the subjects of the three powers residing at Constantinople. Against these severities, the ministers of the other European powers, who still remained in that capital, remonstrated in vain. Not content with this, the same decree of proscription was extended to all the Armenian Catholics of Angora, to the number of about twenty

seven thousand; themselves subjects of the Sultan, and living at Constantinople. They were ordered within a term of ten days, to settle their affairs, and their families and their children to leave the city, and return to their original country. The reasons assigned in the firman for this proscription, were, that by an ancient law of the empire, the Rayahs of the provinces were forbidden to change their residence at their pleasure: and especially to fix their abode at Constantinople; that by a voluntary relaxation of this law, multitudes of them had flocked to the capitol, and had been the cause of great disorder. That there were, especially, crowds of Armenian priests, bankers, merchants and tradesmen, with whom were associated many vagabonds, whose conduct was altogether contrary to their duties, and could no longer be tolerated by the Porte. The numbers of them were so great, that it was impossible to distinguish between the innocent and the guilty; and therefore the decree of banishment included them all. This capital (said the firman) is henceforth interdicted to those Armenians. Let them go back to their own country, and seek support there from commerce and agriculture; and let them know the punishments which await them, if within the term of ten days, they shall not have taken their departure.

Some exceptions were obtained by the intervention of the Austrian internuncio and of the Armenian Patriarch, in behalf of sick, or blind, or infirm individuals; and to those who, abandoning the rites of the Roman Catholic Church, put themselves under the protection of the Greek Patriarch. But they were few in number, and the expulsion was almost universal. Thousands of families, in the course of a few days, removed from the suburbs of Pera and of Galata, which were left deserted. Wretched fathers, bearing their children in their arms; weeping mothers, holding elder children by the hand, were seen sadly moving towards the port, where they were all hurried together into frail barks, several of which perished within sight of the harbour, or upon the Asiatic shore. Others sunk under the fatigues and hardships of a winter's travel over mountains covered with snow, victims of cold or hunger, before they reached the spot to which they were bound. The houses evacuated by the poor, were immediately filled by the Turkish populace or by soldiers. Those of the wealthy were sequestered for sale, to replenish the Sultan's coffers: some were sold at low prices to Mussulmen, who were exclusively allowed to purchase them, and the rest were reserved for barracks.

While the Porte was thus exhibiting to the world the beneficence

of its protection to the Christians of Angora, she was holding out to the Greeks, through the Patriarch of their church, Agathangelos, terms of amnesty, which were sent by a deputation of bishops, whose mission was unsuccessful. Treaties were concluded with Spain, Naples and Denmark, stipulating the free admission to the navigation of the Black sea to their merchant vessels, and access to the Turkish ports, on the payment of moderate duties. The enjoyment of the privilege was, however, rendered in a great degree nugatory, by regulations which required a special firman of the Sultan for every vessel, and subjected vessels laden with grain to an arbitrary right of purchase by the government, at prices fixed by itself.

At the same time, the preparations for war were pushed with all the vigour and activity which despotism could command. Thousands of workmen were sent to hasten the manufacture of fire-arms, at the armories of Semendria and of Graborra; to complete, as soon as possible, the armed ships that were building, and the repairs of those which had escaped from the destruction of Navarino; and to fortify the accessible points on the shores of the Dardanelles and of the Bosphorus. Orders were despatched to the Pashas of Europe, of Silistria, of Widdin, of Servia, of Bosnia, and above all, of Albania, to send for-

ward to the line of the Danube or to Adrianople, their choicest troops; and swarms of Asiatic cavalry were arriving and disembarking at Constantinople, where they were received with shouts of joy by the people, and where they committed many brutal outrages upon the Rayahs and even upon the Franks.

The Dragomans from the Legation of Austria and of the Netherlands, repaired frequently to the Reis Effendi, to make known to him the extreme anxiety of their governments, that the conflict between the Porte and Russia might be averted. The answer of that minister was, that the Sultan was far from desiring war; that he had given no cause for the declaration of it by Russia; that the Hatti Sheriff of December was addressed only to his own subjects, for which he was not accountable to any foreign power; and that he was not disposed to submit to dictation from abroad; that the Ottoman nation would defend their rights, rather than submit to any dishonour; that the Sublime Porte believed no good would result from any further concession; and that the pacific professions of Russia were in no wise sustained by the facts.

As to the interference of foreign powers, in the rebellion of Greece, it was regarded as an usurpation upon the rights of sovereignty and upon the Ottoman religion.

"If other powers," said the Reis

Effendi, "can suffer the intervention of foreigners in their internal affairs, they must consider the Porte as an exception to the rule; because her political existence is founded upon her religion, which admits of no such intervention. All that can be said on this subject, will be useless,—the Porte never will submit to such interference."

But while thus inflexibly resisting of the execution of the treaty of 6th July, 1827, assurances were given that the Porte would readily agree, to fulfil all the conditions of the treaty of Ackerman, and to open the passages to the Black sea, to all the freedom of navigation, consistent with her own safety, and the subsistence of her subjects. As an evidence of her liberality in this respect, the passage of the Dardanelles and access to Constantinople, were allowed to merchant vessels of the United States of America, upon the payment of moderate duties; a privilege certainly not provided for, by the treaty of July, 1827.

After the religious solemnities of the Bairam had been performed, and the Sultan had removed to his summer palace of Bechiktach, with his harem, on the 14th of May the Russian declaration of war was received; and on the next day came the account of the passage of the Pruth by the Russian army.

On the same night a general

council was held, at the house of the new musti, (whose predecessor had recently been deposed, on account of his aversion to the reforms of the Sultan.) At this meeting, all the ministers and the principal Ulemas were present. The voice for war to the last extremity in defence of the empire, and of the Koran was unanimous. War was announced by proclamations in all the public places, and all the mosques. At the same time was published a form of appeal to the whole nation, commanding in the most urgent terms all faithful Mussulmen to unite for the defence of their religion and of the empire, and to give in their names, and receive arms at their respective places of enrolment. The war was so universally expected, that this summons was received by the people with apparent indifference, and was followed by none of the customary popular excesses.

The foreign ministers renewed their instances with fruitless efforts, to deter the Sultan from rushing to his ruin. On the 26th of May, the ambassador of the Netherlands had an audience of the Reis Effendi, and repeated the advice so often spurned, that the Porte should give satisfaction to Russia, and accede to the stipulations of the treaty of 6th of July, 1827, in which event he assured the minister, that the ambassadors of the three confederates would immediately return to

Constantinople. The Reis Effendi answered by repeating the assurances of the Porte, that she sincerely denied peace, and was willing to perform all the engagements of the treaty of Ackerman; but that when the sword was drawn against her, the only alternative left her was to draw her own in her defence.

On the 28th of May, the Reis Effendi addressed to the British and French ambassadors, (who, in expectation of a renewal of negotiations, had repaired to Corfu,) a note inviting them to return to Constantinople for that purpose. The note begins by lamenting the departure of the ambassadors, which with some ingenuity and address it attributes to a fatality. It expresses great satisfaction at their return to Corfu, as a first step towards the renewal of diplomatic intercourse with them; and significantly remarks, that the declaration of their governments both before and since "had demonstrated that the first and the last wish of France and Britain, and the great object of their friendly efforts, was to preserve the dignity and promote the welfare of their ancient ally, the Sublime Porte, and to maintain her sovereignty and her power."

It proceeds to say, that with this disposition, and the well known inviolable regard for justice and fidelity to her engagements of the Sub-

lime Porte, her sincere friendship and observance of her holy religion, this secession had not appeared to be altogether conformable to the friendly relations existing between the governments. He invites them, therefore, with great earnestness and cordiality to return, with assurances that they shall be received with every mark of distinction.

One week after the date of this letter, on the 4th of June, was issued the manifesto in answer to the Russian declaration of war; the purport of which has been fully exposed in our last chapter. The Hatti Sheriff of the 20th of December, though loaded with special charges of bitterness against Russia, had been sufficiently virulent against her confederates, and had particularly reminded the Turkish people of the Ottoman proverb, that "all infidels constitute but one nation." Since then however, his Britannic majesty had informed his parliament, and the world, that the Sultan was his ancient ally, and that he considered the victory at Navarino as an untoward event. The Reis Effendi avails himself of these sentiments, and extends them to France; where at least no such awkward incongruity had been put into the mouth of the king. The Reis Effendi deals out his courtesies with equal hand, both to Britain and to France; recognises both as ancient allies of the Sultan,

and refers to declarations not only before, but since the departure of the ambassadors, as demonstrative of the beneficence of their policy towards the Porte.

The answer of the British ambassador to this invitation, has not been made public. That of the French ambassador, Count Guilleminot, was frank and explicit. He said that his sovereign having fully approved of his departure, and of that of his colleagues, and of the motives upon which they had taken that step, it might be sufficient for him to say, that he could not return without receiving his majesty's further orders; but that in the true spirit of friendship, he thought it proper, further to declare his belief that no such order would be given by his government, until the Porte shall have subscribed to the propositions jointly made by the three ambassadors at Constantinople.

"It only remains for me," (said he,) "to appeal once more to the prudence of the Sublime Porte, and to a more correct estimate of the interests of the Ottoman Porte. The Divan is undertaking to support a load, which must finally crush her to the earth. Her preservation is sincerely desired by the powers of Europe; but the fulfilment of this desire no longer belongs to them, it depends entirely upon the Porte herself. Let the government of his highness then at least reflect upon the mistakes so

recent and so portentous of their own polity, let them open their own eyes to the light: and if the councils of pure friendship; if the warnings of the most disastrous experience, are insufficient for their conviction, let them study, in the dispositions of their own people, the rule of their duties, and the paths which they should pursue. I shall not dwell, excellent sir, upon this painful picture of the sufferings of the empire; upon its want of peace; upon its inertness, which urges to it, and which must render its necessity palpable to the blindest observer. You would not acknowledge it, I know; but I cannot doubt that your judgment of it agrees with mine. I wish at least so to believe; that I may not wholly resign the cheering hope of an early return by the Sublime Porte, to sounder views of her own condition, and to the only course which can re-settle the fabric, now so fearfully shaken, of her power."

There is in this state paper, a tone of protection and of admonition, little observant of that respectful deference usual in the written intercourse of independent powers. No diplomatic communication of the time is more indicative of the fallen state of the Ottoman power, than that her government was reduced to the necessity of receiving without manifestation of resentment, so harsh a demonstration of friendship; so rude a specimen of courtesy.

Sultan Mahmoud, however, whom it has been the fashion of many English travellers of late years to extol as a reforming genius, quite superior to Peter the First of Russia, and endowed with much higher energy of character, resorted, it seems, for his own anticipation of the issue of the war, to a prophet of smoother things than Count Guilleminot. This was no other, than a *munadjim bashi*, or royal fortune-teller, for whom he sent to come to him, to foretell what was to be the success of the sainted soldiers of Islam, in the new war into which he had plunged. The conjurer brought into his presence four game cocks, the stoutest of which represented his Imperial Highness, and the three others, the monarchs of Russia, Great Britain, and France. The crafty Munadjim, first placed the cock of the Koran, in the centre of the Kiosk, and then successively turned upon him the cocks of Russia, France and England. These three, however, instead of uniting against the representative of his highness, immediately fell to fighting among themselves. The champion of Islam, having only the Russian fowl to contend with, proved an overmatch for him: an obstinate battle drove him from the field, with flagging and broken wing. The prophet assured his highness, that this issue was portentous of the event of the war; that the Osmanlic would

certainly vanquish the Muscovites, and that the Christian dogs of France and England, would shout an *avala* of joy, at the discomfiture of their fellow infidels. The energetic Sultan no longer doubted of his victory; and at a final meeting of his ministers on the 18th of July, to determine whether plenipotentiaries should be sent to Corfu to meet and negotiate with those of France and England; whether a separate negotiation with Russia should be attempted, by accepting the overture in the letter of Count Nesselrode, to the Grand Vizier; or whether the war should be pursued to the last extremity; after long debates, he settled all diversity of opinion, by crying out, "slip the bridle from the horse, he will soon reach the post."

The first measures of the Divan, after this decision, were to close the passage to the Black sea; and to equip all the vessels of war in the port; some, under the command of Tahir Basha, for the defence of the city—the rest to stop the passage of the Bosphorus, on the side of Bujukdere.

No attempt was to be made, to defend the principalities of Moldavia and Wallachia; but all the fortresses upon the Danube were prepared for defence; provided with garrisons, numerous artillery, and munitions of war and provisions. Forty thousand men were to be assembled at Shumla; sixty thou-

sand at Adrianople, to defend the passes of the Balkan; and an army of reserve was to be formed before the walls of Constantinople. The first of these objects was already effected; but the camp at Adrianople was scarcely formed, and the reserve at Constantinople, of every arm did not exceed twenty-five thousand men. Numerous reinforcements were daily coming in from the neighbouring provinces, and from Asia, and supplied the places left vacant by the troops continually marching for the army. It was already given out that the Grand Vizier Mehemed Selim Pasha, would take the general command of the army, and that the Sultan in person, would unfold the Sanjak Sheriff, or holy standard of Mahomed, to command all the reserves for the defence of religion and of the empire. In the mean time, the command of the first army destined to defend Shumla, the bulwark of the empire, was conferred upon Hussein Pasha, the conqueror of the Janissaries, who repaired to his post a few days after the Russian invasion was known. He took with him a body of men, of the new levies, and a number of distinguished officers.

The defence of Varna had been committed to Yussuf, former Pasha of Seres, one of the principal feudatories of the Sultan; who had seven or eight thousand Albanians with him. The Capudin

Pasha Izzet Mehemet, was afterwards sent to supersede him, in the chief command. The command and the direction of the works at the capital was given to the Seraskier Chosrew Pasha, who had been the former Capudin Pasha, and still retained the favour of the Sultan.

Tartar messengers were despatched to all the Pashas of Europe and of Asia, with orders to summon to arms all the men who could be raised. The orders were punctually obeyed. The Beys of Asia Minor sent forward, or marched in person at the head of their vassals, and a body appeared of Kurdish cavalry, peculiarly adapted to encounter the Cossacks. Omer Vrione brought to the camp of Shumla, eight or ten thousand Albanians; the Pasha of Widdin, levied twenty-five or thirty thousand men, who, with various success, made several incursions into Wallachia.

But the military levies in Servia, and in Bosnia, failed almost totally.

The subjection of the Servians to the Ottoman Porte is of a peculiar character, amounting, in substance, to little more than the payment of an annual tribute. They are christians, and the authority of the Ottoman Pashas, in the province is confined to the fortresses where they reside, with their garrisons of Turkish soldiers. The Servians are in other respects, go-

verned by their own magistrates ; and their relations with the Turkish government are managed in concert with their deputies at Constantinople. Their privileges are guarantied by the treaties between Russia and the Porte, and the non-observance of those engagements by Turkey was one of the principal causes of the war. The Serbians naturally considered the Sultan as their oppressor, and Russia was cherished by them as their protector. Their Governor, Prince Milosch ; without directly setting at defiance the orders from the Porte, which were, that they should either deliver up their arms to the Pasha of Belgrade, or put themselves under his command, contrived to evade them, and to retain his troops under his authority, upon the plea of a necessity to reserve them for defence against a possible Russian invasion.

Bosnia was a Turkish province, inhabited altogether by Mussulmen, but among whom the party of the Janissaries predominated, and who held in abhorrence the military reforms of the Sultan. The corps newly organized in the province, were themselves infected with the spirit of revolt ; the more dangerous, as it was stimulated by religious fanaticism.

On the 19th of June, the Governor, Abdurahman Pasha, had received a firman from Constantinople, commanding him to march

with forty thousand of the newly organized troops, for Widdin, passing through Servia, and for the Dwina : he gave notice that this firman would be read the next day in the great mosque, to which the commanders of the corps, and deputations from the troops, were summoned ; but the chiefs demanded that the firman should be read by a Mollah at the camp of Sarajewo, so that the will of the Sultan might be known to all the troops. The Governor was invited to be present at this ceremony, and promised to attend. The camp was about a mile distant from Sarajewo ; and the Governor, conceiving some distrust of these movements, remained there, and sent a bimbashi, or subordinate officer, with the Mollah to read the firman at the camp. The arrival of these two persons was announced by a salute of artillery. They came surrounded by the Governor's guards ; and as he was personally known to few of the troops, the unfortunate bimbashi was mistaken for the Governor himself. No sooner was the firman read, than the troops broke out in an open mutiny, execrating the Sultan, and charging the Governor with treason. The bimbashi and the Mollah were fired upon and killed, and a great bonfire was made of the new uniforms which had been brought to the camp for clothing for the troops. The guards of the Pasha returned

the fire of the revolvers, but were soon overpowered by numbers, and forced to fly, leaving about sixty of their number dead upon the spot. The revolvers, believing the Governor to be dead, made a movement upon the castles, to reduce his household troops; but he had taken refuge in the castle of Tuslaham, where he defended himself throughout the day, and where several hundred men were slain. He was held besieged there several days, and was finally suffered to go out with his guards, only upon humiliating conditions—that he would reside in future at Traconick, the residence of former Governors, and that he would govern conformably to the ancient usages and privileges of the province. He was further required to sign a paper, to be sent to the Sultan, acknowledging that he had violated those privileges, had caused cannon to be fired upon the people of Sarajewo, and raised by extortion, sums of money which he promised to return. After extricating himself from this perilous adventure, he made new attempts to subdue the Bosniacks, the results of which were, that he was reduced to shut himself up, with about one thousand men and 12 pieces of cannon, in the fort of Tusla, till he was superseded in his command, by the former Pasha of Phillippoli. This officer finally succeeded in restoring order, and a show of submission to his authority, by over-

looking all that had passed; but very little assistance was obtained by the Porte from the Bosniack levies, and it was not without great difficulty, that the detachments sent before the war to the fortresses of the Danube, were kept faithful to their standards.

The preparations and works of defence were pursued with redoubled zeal and enthusiasm, on the arrival at Constantinople of favourable accounts, first from Brailoff, and afterwards from Shumla and Varna. The occasional advantages obtained, especially by the Turkish cavalry, before those places, were published, with the exultation of victory, and no sparing of exaggeration. As testimonies of triumph, a few hundreds of prisoners were transported to the capital for exhibition, alive; but not as had been for ages the custom, by that of their heads and ears nailed to the gates of the seraglio.

More than sixty thousand men had before midsummer been given in to Chasrew Pasha for arms; thousands of the people of Roumelia were at the same time flocking to Adrianople; and the recruits of militia, from Asia Minor, were incessantly pouring in; convoys of artillery, and warlike stores, were despatched, day after day, for the army. The garrisons of the castles, on both sides of the Bosphorus, were doubled. Corps of troops were stationed along the coast, as

far as Varna, and a line of signals was established from several distant points to the capital.

Some riotous excesses occurred when the news was received of the surrender of Brailoff, and upon the blowing up of a powder magazine, which the popular suspicions imputed at once to the Janissaries and to the Greeks. Great numbers of that hapless nation were beheaded, or transported to Asia, notwithstanding the assurances given by the patriarch of their fidelity, and the prayers in all the churches for the success of the Ottoman arms. There was also much excitement among the people, at the rumours of the intended evacuation of the Morea, and of the refusal of the French and English ambassadors to return to Constantinople.

On the 9th of August, the Grand Vizier repaired in great state, and after pompous religious solemnity, to the camp of Daoud Pasha, from which, four days afterwards, he departed to take the command in chief of the army. The delay was attributed to the discovery of a plot concerted between some survivors of the old Janissaries, and some deserters from the camp, who committed great excesses in the city. By the execution of a number of them, tranquillity was restored.

The Grand Vizier, on reaching Adrianople, took with him a large body of troops, with which he ar-

rived about the last of September, at the head of thirty thousand men, before Varna, just in time to witness the surrender of the place.

The last exhibition for theatrical effect, was the reproduction of the Sanjak Sheriff or holy standard, which had wrought such wonders at the revolt and butchery of the Janissaries in 1823 ; and with which the Sultan in person issued from his harem on the 15th of September, and proceeded to the reserve camp at Ramish-Tchifflik, about two miles to the northward of the city. If the Sanjak Sheriff, or the magnificence of a barbaric procession, could have barred against the soldiers of the cross the passage of the Balkan, as easily as it pointed the grape shot of the Topgee Bashi at the Janissaries in the Atmeidan, the war would have terminated in the triumph of the Koran. On this procession no eye of unbelief in the impostor prophet, was permitted to fall. It opened with three thousand men of Asiatic cavalry, followed by a drove of camels and of draught horses, laden with the treasures, the apparel and personal baggage of the Sultan ; after this vanguard, marching to the sound of triangles, timbrels and other instruments of oriental music, succeeded a long train of civil and military officers, and Ulemas ; other detachments of troops ; the Seraskier Khosrew Pasha ; the Kaï-

macan, in the place of the Grand Vizier, surrounded by the ministers wearing white shawls upon the head, and the scarlet pelisse on the body; then, in the midst of a group of Ulemas of the highest rank, of Emirs and of Kadilesters, the Sheik of Islam, the high priest of Islamism; and after him, the gilded car bearing the Sanjak Sheriff, or holy standard, still sheathed under a cover of green silk, carried by the first keeper, chief of all the Emirs, and surrounded by twelve singers chanting, along the way as they went, the hymns of glory to the prophet.

Then came the commander of the faithful, the Sultan, simply clad in the red pelisse, with the white shawl upon his head, without other ornament than his arms; without guards; without escort; followed, at respectful distance, by the chief officers of his household.

A regular corps of infantry of one thousand men; twelve or fifteen hundred horsemen; the Bos-tandgis; a number of carriages drawn each by six horses; and finally, a considerable train of artillery, closed the march. At six in the morning, the Sultan had left the seraglio, and arrived at noon at the camp of Ramish-Tchifflik, in front of which, several battalions of infantry and squadrons of cavalry, were drawn up to receive him. The ceremony was concluded by a fire of six rounds of artillery.

The Sanjah Sheriff was deposited in the apartment of the Sultan; and the camp was occupied by the troops, whose tents extended along the heights to the village of Top-Tchiler.

Here the Sultan remained, superintending in person, with indefatigable assiduity, the preparations for defence; until, as the severity of the winter rendered his longer residence at the camp inconvenient, he removed his quarters to Eyoub.

He had been only a few days at the camp, and had formed the project of proceeding, to take, himself, the command of the army, destined to the relief of Varna, from which he was with difficulty dissuaded by the Divan, when the news was received of the landing of a division of the French army in the Morea, and of the arrangements for the evacuation of Greece, by the Egyptian troops. The negotiations to prevail upon the Porte to send commissioners to Corfu or to Corou, to treat with the French, British, and Russian ambassadors, concerning the pacification of Greece, had been continued by the Austrian internuncio, and by Mr. Zuylen, the minister of the Netherlands; but the Sultan was indignant at the landing of the French troops;—threatened to declare war against France, and to send thirty thousand Albanians and Turks into the Morea. The mediating ministers,

however, explained to the Reis Effendi the danger to the Porte, which so hasty a step would induce, and assured him, that the occupation of the Morea by the French troops was a measure altogether pacific, tending to effect a desirable reconciliation, to arrest the shedding of blood, and to relieve the Porte from the necessity of making further fruitless efforts and sacrifices in that quarter. The result of these conferences was a new invitation to the French and British ambassadors to return to Constantinople, without any approach, however, to an acknowledgment of the right of intervention of their Sovereigns in the concerns of Greece, and without consenting to the admission of any deputation of the Greeks.

The tidings of the surrender of Varna, received on the 13th of October, gave a shock alike sudden and unexpected. The first impulse of popular indignation, was against Yussuf Pasha, who was believed to have sold the place to the Russians. This suspicion even soothed the mortification of defeat, and mitigated the severity of the loss. The Reis Effendi told the foreign ministers, that the fall of Varna was not so important in itself as might be supposed; but that every Mussulman felt with deep affliction the treachery of one of their own number, to his God and his country.

Yussuf Pasha was accordingly sentenced to religious execration

by the Mufti, and his landed estates in Macedonia were sequestered. Afterwards, however, the capitulation by which he had surrendered was recognised by the Porte as valid, and his harem and effects were sent to him conformably to one of its stipulations. The Grand Vizier himself fell into disgrace in consequence of the fall of Varna. He was charged with having rather disconcerted, than aided the operations of Omer Vrione; with refusing money for the payment of his Albanian troops; with an attempt even to deprive him of his command; finally, with want of activity, courage, prudence, and even disinterestedness. Certain it was, that with a force superior to that of the besiegers, he had remained behind his intrenchments, without attempting to relieve the place. He was deposed, and Izzet Mehemed Pasha, the Capudin Pasha, who had resisted to the last the surrender of Varna, was appointed in his place. The office of Capudin Pasha was conferred upon Papushi Ahmed Pasha, commandant of Galata and Pera. Contrary to the general expectation, the order for the deposition of the Grand Vizier was not accompanied by the application of the bow-string—he was only banished to Gallipoli.

The first effect of the fall of Varna had been to produce consternation and discouragement; the next was a new paroxysm of over-

strained and enthusiastic exertion. A last appeal was made to the religious patriotism of the people: a new summons to all, who were able to bear arms. Fifteen or twenty thousand men of the new levies, with munitions and artillery, were despatched to the passes of the Balkan. Several powerful Beys, among whom was Tchapán Oglou, with several thousand horsemen, came in from Anatolia, and were sent in the direction of Nicopoli. When the Russians abandoned their positions before Shumla, and afterwards raised the siege of Silistria, the triumph of the elements was eagerly associated with the combined operations of the new Grand Vizier, and of Hussein Pasha. Of the tales now got up at Constantinople, and of the avidity with which they were swallowed by the *allies* of Russia, the following extract from the English Quarterly Review of January, 1829, in an article upon Russia, may serve as an example.

“We are just in time to state the disastrous *finale*, WHICH WE HAVE RECEIVED FROM AN AUTHENTIC SOURCE, of the rash and precipitous invasion of the Turkish territory by Russia,—that alarming invasion, which, in the opinion of Lieut. Colonel Evans,” (a military Uncle Toby, whose book upon the designs of Russia, the reviewers had been gravely refuting,) “demanded an immediate armed in-

tervention of all the powers of Europe, to stay the overwhelming career of the Autocrat, who aimed at little less than universal dominion. The Turks, however, have done it effectually of themselves, single-handed, without the assistance of any one power, European or Asiatic; and the sublime Sultan may now boast with the Roman warrior,

‘Like an eagle in a dove cote, I
‘Fluttered your *Russians* in *Bulgaria*;
‘Alone I did it.’

“Fluttered, indeed, with a vengeance! the rout was complete; resembling, on a smaller scale, that of the French from Moscow. We are told that not a living creature escaped out of this horrible Bulgaria, save man—and he, bare and destitute of every thing that constitutes a soldier; without arms, without accoutrements, without baggage, and, as the French would say, completely demoralized; all the draught horses, and cattle of every kind; all those of the cavalry and artillery, dead—all the guns, carriages, wagons, ammunition, and provisions, left behind, as spoil for the Turks. The extent of these disasters is endeavoured to be concealed at Petersburg, where the war, from the first, was unpopular; but now men shake their heads, by which, like the shake of Burleigh’s, in the play, they mean a great deal, though

they say nothing; and they are afraid to write, as all letters are inspected at the post-office. It is to be hoped that this disastrous campaign will have taught the young Emperor a lesson of moderation, which will counsel him to seek for peace rather than conquest."

The Quarterly Review is a periodical journal under the special patronage of the British Government, and may be considered, on all political subjects, as its inofficial mouth-piece. The *authentic source*, from which it had received the above disastrous FINALE, was no doubt official, and the whole extract is a fair sample of the *temper*; of the *sagacity*, and of the *judgment*, with which all its articles relating to Russia, and we may add, relating to the United States of America, are composed. It is regularly republished, number by number, in this country, and is one of the sources, from which a large portion of the reading public of this Union derive their opinions, upon the political affairs of Europe.

We have seen in the preceding chapters, how little foundation there was in fact, for putting that *unholy braggart* "the Sublime Sultan" in *mind of his blind fortune*, on this occasion. He was doubtless, ready enough to boast of what he alone had done. But his allies ought to have known, that of the real disasters which had befallen the

Russian arms, little, very little was imputable to him, to his Grand Vizier, or even to the Hussein Pasha. If their judgment had not been blinded by their passions, they might have seen, that in the facts themselves, in the loss of horses, and artillery, and baggage, and even arms, without the loss of *men*, there was internal evidence of misfortunes, inflicted by the hand of Providence, and not by the arm of man—by impassable roads, and inclement skies—by rain, hail, snow, and frost—by exhausting marches, and unappeasable hunger, and not by the scymeter of the Sublime Sultan, or by the yatigan of his Osmanlis.

At Constantinople, indeed, while they laid to their souls the flattering unction of such authentic reports as these, they blustered about retaking Varna, and all the conquered places, and even about recovering the two principalities before the close of the campaign; but after a few insignificant attacks, and a few abortive attempts upon the Russian positions, they were compelled by the same rigours of the season, by the same obstructions in the roads, and by the same want of provisions and forage, to fall back and shut themselves up in their own. The Sultan himself about the same time left his camp at Ramisch Tchifflik, and took up his winter quarters at Eyoub.

The blockade of the Dardanelles by the Russian squadron under Admiral Ricord, about the beginning of November, gave great alarm at Constantinople. The Turkish fleet was not in a condition to disturb the operations of the Russian Admiral, and the hopes of the Porte for the removal of the blockade were reduced to depend upon the dangers of the seas in that season, and to the remonstrances of the neutral powers in behalf of their commerce. But the garrisons of the castles on both the shores were reinforced. The Pasha of Egypt was ordered to send supplies of grain through Asia Minor, to the landing places within the streights out of the reach of the blockading squadron. Many Egyptian and neutral vessels preceded or eluded the vigilance of the squadron, and of the Grecian privateers, and passed the Dardanelles, so that the subsistence of the capital for four or five months, was secured. About twenty-five thousand Greeks, or Armenians, were expelled from the city; and the usual discipline of times of scarcity, was exercised among the bakers, numbers of whom atoned for deficiency of weight, or exceptionable quality of their bread, by exposure, nailed by the ears at their own doors, to the insults of the populace. This was the approved Ottoman method of preserving order in the capital. About the end of November, some

hundreds of Mahometan families from Varna, arrived in four Austrian and Sardinian vessels, fugitives in ruin, from the ruin of the siege. The government received them, gave them shelter at Galata, and in neighbouring hovels, and supplied them for some time, with the means of subsistence.

As the activity of warlike enterprise slackened with the progress of winter, the movements of diplomatic negotiations were accelerated. The cabinets of the neutral powers, uneasy for the general repose of Europe, foreseeing and dreading the catastrophe which was impending over the Ottoman empire; renewed their earnest representations and their unheeded counsels to the Divan. The minister of the Netherlands, Van Zuylen, was the intermediary through whom the French and English governments still communicated with the Reis Effendi. A French messenger, in the month of November, was supposed to have brought to Mr. Van Zuylen, instructions relating not only to the affairs of Greece, but to the blockade of the Dardanelles. A joint declaration of Great Britain and France, against this measure, was expected, but not realized. Shortly afterwards, however, another French messenger brought a joint declaration of Great Britain, France, and Russia, signed at London the 16th of November, 1828, giving notice to the Porte

that the object of the French expedition to the Morea had been to effect the departure of Ibrahim Pasha, and the evacuation of the fortresses by the Turkish and Egyptian troops, and to stay the shedding of human blood. That object, it was said, had been attained. But the work of the allied powers would remain imperfect, if after the departure of the troops, the inhabitants of the Morea should be exposed to new invasions. The allies were bound in honour to protect them from this danger; and with that view, as the allied forces were about to be withdrawn from the Morea, after having accomplished the pacific purpose of their mission, the three courts declared to the Sublime Porte that until a final arrangement, settled in consent with them, should fix the condition of the territories, which had been occupied by the allied forces, they placed the Morea and the Cyclades islands under their provisional guaranty; and that they would regard

as an aggression against themselves, any attempt to introduce any military force whatever into that country.

The declaration, after complimenting the Porte upon the spirit of wisdom, with which she had avoided a useless prolongation of the miseries of war in the Morea, concluded by expressing the hope, that, influenced by the same spirit, she would be desirous of putting an end to questions which had kept all Europe for eight years in a state of inquietude and agitation, and would enter into a friendly and benevolent negotiation with the three courts, for the final pacification and future condition of Greece.

To the affairs of Greece herself, after the battle of Navarino, we shall return, when, in the next chapter, we shall have conducted the narrative of the war between Russia and Turkey to its termination by the treaty of Adrianople.

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CHAPTER XIV.

RUSSIA AND TURKEY—CAMPAIGN OF 1829.

Preparations by Russia for the Campaign of 1829—Resignation of Marshal Wittgenstein—Appointment of General Diebitch to command the armies in European Turkey—Military operations in winter—Kalé and Tourno taken by the Russians—Sizepoli taken by a Russian squadron.—Turkish camp on the Kamtchik burnt.—Campaign in Asiatic Turkey: Attack upon Akhaltsh, by Achmet Bey, defeated—Attack of Kaya Oglou repelled by Gen. Hesse—Entrenched camp of the Turks at Potkhoff taken—Battles of Kanily and Milli-Duze, won by General Paskevitch—he takes Erzeroum and Hassan Kalé—Kniss and Brebourt taken—Attempt of the Pasha of Van to recover Bajazet—repelled by General Popoff—General Bourtsoff mortally wounded at Khart.—Osman Pasha and the Sasians defeated at Khart—Campaign in European Turkey: Siege of Silistria resumed—Battle of Eski—Encounter between Redschiid Pasha, Grand Vizier, and General Roth—Affair at Eximil—Battle of Koulevtcha or Pravody, won by General Diebitch over the Grand Vizier—Rakhova taken by General Geismar—Surrender of Silistria to the Russians—Passage of the Balkan by General Diebitch—Passage of the Kamtchik river—Mazembri taken by General Roth, with co-operation of the fleet of Admiral Greig—Akhiola taken—Aidos occupied by General Rudiger—Bourgus taken—Karnabat—Karabournar—Yambol evacuated by Halil Pasha—Slivno taken by General Diebitch—Surrender of Adrianople—Operations of Admiral Greig's fleet—Turkish vessels destroyed at Penderaclia and Chili—Turkish fleet on the Euxine—Russian frigate taken—Heroic defence of the brig Mercury—Admiral Greig puts to sea—Turkish fleet returns to the Bosphorus—Vassiliko taken—Agatopoli—Iniada—Midia—Proclamation of General Diebitch—he receives the name of Zabalkansky—Peace of Adrianople—Treaty—Separate acts—Conclusion.

WE have seen, in the foregoing chapters, that as early as the month of August, 1828, the Emperor Nicholas, by personal observation of the obstacles which his armies had encountered in the reduction

of Brailoff; in their operations before Shumla and at the siege of Varna, had become sensible that even a successful issue to that campaign would not enable him, with a due regard to the vicissi-

tudes of war, to attempt during that season the formidable passage of the Balkan. That a second campaign, probably not less arduous than the first, would be indispensable, to bring his adversary to a sense of his own danger, and to such reasonable terms of peace as would justify the sheathing of the sword. That, under this persuasion, he had repaired from the works before Shumla, first to Varna, and then to Odessa, where he had determined on measures, adapted to the prospects of the war : a loan of money in Holland ; the blockade of the Dardanelles ; and a second levy of four men in five hundred, which before the close of the winter would effect a reinforcement to his armies, of two hundred thousand men. That from Odessa he returned to Varna, to command in person at the most critical period of the siege ; and to receive the surrender of the place. After which, abandoning all design of further progress towards Constantinople, till his forces should be recruited for a more decisive effort, and at a more propitious season, he had returned to St. Petersburg, there to organize the force, and invigorate the preparations which were to convert the sympathizing condolence of his allies into gratulations, equally earnest, and no doubt equally sincere.

We have stated that on the 21st of February, 1829, the Emperor

accepted the resignation of Field Marshal Count Wittgenstein, as commander-in-chief of the main army, and appointed the Aid-de-camp General Count Diebitch as his successor in that command. Previous to that event, and in the midst of winter, the Russian forces on the Turkish frontier had not been reduced altogether to a state of inaction. On the 15th of January, the Aid-de-camp Gen. Count Suchtelen, at the head of a strong detachment, took a position at Tchernovody, which he fortified, and whence he pushed his scouting parties as far as the lake of Beylyk, and beyond it in all directions, intercepting occasionally the foraging parties from Silistria.

On the 23rd of January, Lieutenant General Rudiger sent out two detachments, to dislodge the Turks from the villages near the Russian advanced posts at Bazardjyk and Pravody. One of them fell in with a corps of 1500 Turkish cavalry, with whom he engaged in an action of three hours ; after which each party, with considerable loss, returned to their respective posts. The other after occupying almost without resistance the village of Konioustchouk, making a few prisoners, and carrying off an hundred head of cattle, returned to the camp unmolested by a strong detachment of the enemy posted at Ekistche.

On the 24th of January, a re-

connoissance was made from Pravody by Major General Koupriouff, with two regiments of chasseurs, 75 Cossacks, and two pieces of cannon. After passing through Kerovno and Rovno, he arrived at Nino, where he made a few prisoners, and took 180 head of cattle. The depth of the roads, and the severity of the weather, induced him to return the next day, without loss, to Pravody.

A more important achievement was the taking by assault on the 25th of January, of the fortress of Kalé, on the left bank of the Danube, followed on the 11th of February by the surrender of that of Tourno. The possession of these places was essential for securing the safety of the Russian force in that part of Wallachia, and the execution of the attack was entrusted by Count Langeron to Major General Malinousky. Favour- ed by the depth of the snow, by the badness of the weather, and by the masses of floating ice in the Danube, Generals Malinousky and Gennau early in the morning approached, undiscovered, the walls of the place with seven battalions of infantry, two regiments of chasseurs, 100 Cossacks, and twenty pieces of cannon. They took the place by storm, the Turks obstinately defending themselves in the houses; and lost 300 men by the bayonet. The Pasha Ibrahim, the Toptchi Pasha, with many officers,

and 360 soldiers, fled for refuge to the mosques, and there surrendered themselves prisoners of war. Six standards, thirty-four pieces of cannon, and warlike stores in great quantity, fell into the hands of the victors. Tchapan Oglou had sent some vessels from Nikopoli to the relief of Kalé, but without success.

The fortress of Tourno was immediately afterwards invested; the village around it having been reduced to ashes. It was held by General Geismar, besieged, and its communications with the right bank of the Danube were cut off, when General Count Langeron arrived before the place. It surrendered on the 11th of February. In the two places thirteen standards, and eighty-seven pieces of cannon, were taken. These operations were performed with the thermometer of Reaumur at 14 degrees, equivalent to that of Fahrenheit at zero.

On the 18th of February, a detachment of volunteers from these two fortresses, attacked and destroyed a flotilla of thirty Turkish vessels, frozen up at the mouth of the river Osma, near Nikopoli.

On the 7th of February, a reconnoissance was made by General Kouprianoff, from Pravody, on the village of Aslably, and on the 12th, upon that of Markovtcha. On the 12th and 19th of February, sorties were made by the Turkish garri-

sons at Giurgewo, opposite to Roustchouk ; but they were driven back without effecting any injury.

On the 25th of February, a squadron of three ships of the line, two frigates, and some smaller vessels, detached from the fleet at Varna, commanded by Rear Admiral Koumani, and having on board one regiment of infantry, two companies of other regiments, and ninety Cossacks, took possession of the port and the fortress of Sizepoli, beyond the gulf of Bourgas, towards Constantinople, east of the Balkan.— Little resistance was made by the Turkish commandant of the fort, Benderli-Halil-Pasha ; and the garrison, consisting of about 16,000 Albanians, retreated from the bombardment, to intrenchments on the heights that overlooked the town, and thence made their retreat, and joined the main body of Hussein Pasha. On the 2d of March, the Kamtchik overflowing its banks, compelled the Turks posted there to abandon their camp, which the next day was burnt by a detachment from the Russians on the other side of the river.

But it was in Asiatic Turkey that the serious operations of the campaign commenced. On the night of the third of March, a corps of Turkish infantry of more than twenty thousand men, under the command of Akhmet, Bey of Adjar, advanced from the Khanat of Adjar, adjoining that of Akhaltysh,

took possession at daybreak of the suburbs of that place, and proceeding by assault, reached the first wall of the town. Here, however, the resistance which they met from the garrison compelled them to retreat, and take a position, whence they repeated their attacks for two or three successive days. General Paskevitch, immediately on receiving information of this event, sent a reinforcement of two regiments of infantry, a regiment of Cossacks, and ten pieces of cannon. Their march was checked by the enemy upon the Koura, a river winding in a ravine, which they had twice to cross before reaching the fortress. Their passages were obstinately disputed two days by the Turks, but was effected on the 13th of March, by which the opposing Turkish corps, finding their communication with the fortress cut off, dispersed among the mountains and disappeared.

The Turkish besieging corps, informed of the reinforcement on its way, without waiting for its arrival, raised the siege on the 16th of March, and made a hasty and disorderly retreat. Major General Prince Beboutoff, commandant of the fortress, made a sortie, with five companies of infantry, pursued them several miles, and annoyed them in their retreat. The detachment of Colonel Bourtsoff entered the same day into Akhaltysh.

About the same time, Kaya Og-

lou, Pasha of Trebisonde, had advanced with 3000 men, reinforced by 5000, drawn from Batoun Kaboulet, Tchanety and Tchakna; had posted himself at an entrenched camp between the town of Kintrischi and the fortress of St. Nicholas. Here he had thrown a stockade across the road, at a narrow passage between the forest and the sea; and was waiting for a reinforcement of 10,000 men from Trebisonde to attack the Russian detachment, commanded by Major General Hesse, in possession of the Gouriel.

This officer however, on the 17th of March, with a detachment of about 1200 regular troops, 1300 of the neighbouring militia, and six field-pieces, crossed the river of Natonali, advanced along the sea shore; sending the militia round by an upper road, through the forest. The Turks posted at the first line of stockades, two miles beyond the ford, opened their fire; but the militia took them in flank, and attacked them with such impetuosity, that, a panic seizing them, they abandoned their line of stockades, and fled to the camp, between the sea, and a swampy wood. Here the action became bloody, and an obstinate conflict of four hours ensued. General Hesse established a battery, whence grape shot and hand grenades were poured upon the enemy; so that he abandoned his entrench-

ments, and fled to the woods, leaving all his baggage, and most of his arms, with the loss of a thousand men, killed and wounded.

Another attempt by Akhmet, Pasha of Adjar, who, together with Koutchouk Pasha, and a corps of five thousand men, had penetrated into the Sanjak of Potskhoff, and taken a position near the village of Tsourts-kabi, was met, and again defeated by Colonel Bourtssoff, who was with a detachment near Atckhour. He marched against them, on the 13th of May, and forced them to retire in disorder, in the direction of Adjar, and of Shaoshat.

About a month later, a large body of Turks having posted themselves upon the inaccessible mountains of Adjar, they were drawn from them, by a movement concerted between the Major Generals Bourtssoff and Mouravieff, the former having taken post at the defile of Potskhoff, while the latter advanced from Ardughan, to place his detachment in ambuscade, and take the Turks in the rear.

These accordingly came down from the mountains, and on the 12th of June attacked the advanced guard of General Bourtssoff, commanded by Colonel Hoffman, who maintained his position for five hours, against a much superior force. Towards night, the whole detachment of General Bourtssoff was engaged, and the troops of

General Mouravieff, appearing in the rear of the enemy, the Turks, on perceiving this movement, fell back upon their entrenched camp.

On the night of the 14th of June, General Mouravieff, having formed his junction with General Bourtsouff, attacked this entrenched camp, and carried it by assault, after three hours of hard fighting. The Turks were entirely defeated, pursued in every direction, to the distance of four miles, and dispersed among the mountains. Their camp, with large stores of provisions and ammunition, near 400 prisoners, five standards, the artillery, consisting of three pieces of cannon, and a mortar, fell into the hands of the joint Russian detachment. The loss of the Turks is stated, in killed and wounded, at 1200 men. The Russian loss was inconsiderable.

An army of fifty thousand men had been collected by the Seraskier of Erzeroum, and divided into two corps, one commanded by the Pasha of three tails, Hagki, an officer of high renown in Asiatic Turkey; who, with twenty thousand men, was stationed at the passes of the mountains of Saganlon; the other of thirty thousand men under the Seraskier of Erzeroum himself. These two corps, by the manœuvres of General Count Paskevitch, were separated from each other, and successively totally defeated.

After a minute and particular

reconnoissance of the camp of Hagki Pasha, on the 27th, 28th, and 29th of June, he satisfied himself of the impossibility of attacking it in front, and on the left wing, where the Russian army was posted—and undertook, by a bold and perilous movement, to turn the whole enemy's camp, by a march of 85 miles, over difficult roads, crossing the summit of two steep mountains, covered with snows, and intersected with deep ravines, and in the presence of the enemy. This movement was effected on the 30th of June, and first of July, when, after various skirmishes with separate detachments of the army of Hagki Pasha, at four in the afternoon, General Paskevitch ordered his troops to resume their positions of the morning.

At this time, a superior Turkish officer was brought in as a prisoner, who gave information that the Seraskier of Erzeroum himself was on the height where the main body of Hagki Pasha was posted, and had commenced a fire of artillery, throwing up at the same time a long line of entrenchments: that the Seraskier had arrived the day before with his vanguard, and that twelve or fifteen thousand men had advanced in the course of that day, and were encamped near Zevin, where the remainder of his force of thirty thousand men were expected to arrive from hour to hour.

Count Paskevitch concluded that

the only alternative left him was to attack, without a moment's delay, this corps, before they should have time to form their junction with Hagki Pasha ; in which event he would himself have been attacked at once in front, in flank, and in the rear, by an army of fifty thousand men.

There were two roads by which it would have been possible for Hagki Pasha to have sent reinforcements, to the aid of the Seraskier's troops, had he known the projected attack upon them. General Paskevitch posted detachments to mark both these passages ; and then marched himself with his troops in three columns, to the attack of the Seraskier's camp, whose entrenchments had already been pushed to within one mile of his own. The attack was completely successful : the Turks finding themselves taken by surprise, fell immediately into confusion ; they made a feeble attempt to rally on the summit of the mountain ; but were soon put completely to flight, by several successive charges of cavalry. The rapidity of that flight may be conceived from the fact, that in the space of three hours they were pursued to the distance of twenty-two miles ; until, at nine in the evening, they found protection in the darkness of the night, beyond the foot of the Saganla mountain. The Seraskier's camp, his artillery, warlike

stores and provisions, were all taken. After nightfall, General Paskevitch reassembled all his troops, to bivouac at the cross roads leading to the camp of Hagki Pasha, and to the village of Zevina.

From this position, he advanced at daybreak the next morning to attack the Pasha's camp in the rear. A prisoner, taken by a party of Cossacks, was brought to Count Paskevitch, and informed him that the troops of Hagki Pasha, from whose camp he came, had not even received notice of the defeat of the Seraskier. General Paskevitch set him at liberty, that he might make the Pasha acquainted with the fact, which he did. This news, together with the approach of the Russian victorious troops, and the consciousness that the communication with Erzeroum was cut off, all concurred to convince Hagki Pasha that his situation was desperate, and his ruin inevitable. He therefore sent back to Count Paskevitch the liberated prisoner, offering to surrender himself and his army. The Count replied, that he would accept his offers, upon condition that his troops should lay down their arms, and come to meet him ; but before the messenger had returned, the fire from the Turkish batteries was renewed.

Count Paskevitch then led his troops in five columns upon the enemy. The first column, commanded by himself, marched di-

rectly up to the Pasha's camp. The others took the Turks in flank. The resistance was ill concerted and feeble. Hagki Pasha, commander of all the troops in the camp, with all his officers and suite, were taken prisoners by a corps of Cossacks of the second column.

The three other columns, though not successful in cutting off entirely the retreat of the enemy, pursued them into the woods, and down the declivities of the mountains, on one side as far as Midjiugherd and Zanzah, and on the other to the very borders of the Araxes.

Thus, says the report of General Count Paskevitch of Erivan, two memorable battles, fought, one on the first day of July, near the village of Kanily, with the Seraskier of Erzeroum, and the other at a place called Milli-Duzê, with Hagki Pasha, have completely decided the fate of the Turkish army; and in twenty-five hours of time, after a march of forty miles, the Russian troops defeated two considerable corps, commanded by officers of the highest distinction, one of whom has been taken prisoner—took from the enemy two camps, one of which was intrenched; all the artillery, consisting of 31 pieces of cannon; all the munitions of war and provisions; 19 standards, and more than 1500 prisoners. The loss of the Russian army on both days, did

not exceed one hundred men in killed and wounded. In these actions, or rather routs of the Asiatic Turkish army, it is to be remembered, that they consisted of raw and undisciplined levies. In the Russian army itself, there were two regiments of Mussulmen, of whose service Count Paskevitch speaks in terms of high approbation.

Seven days after this event, on the 9th of July, the anniversary of the battle of Pultawa, Count Paskevitch took possession of Erzeroum, the centre of the Turkish power in Asia, having previously taken the fortress of Hassan-Kalé. The Seraskier of Erzeroum, commander-in-chief of the whole Turkish army, and Governor of all Asiatic Turkey, together with four principal Pashas, were taken prisoners: 29 pieces of cannon were taken at Hassan-Kalé, and 150 at Erzeroum.

To secure the safety of his flanks from any attempt of the Turks, Count Paskevitch sent out, a few days after he entered Erzeroum, two detachments, one against Kniss, a fortified place distant about 70 miles on the side of Mouscha, and the other, under Major General Bourtsqff, against Beibourt, about 80 miles distant on the road to Trebizond.

The fortress of Kniss was occupied without resistance. A deputation from its inhabitants had been sent to Count Paskevitch, to implore

his protection against a part of the troops of the Pasha of Mouscha, who after the taking of Erzeroum, had revolted against their chief, and had fallen to pillaging in Kniss and the surrounding villages; the Pasha himself having retreated to Mouscha, and even beyond it to Batliss.

The expedition under General Bourtsoff, was also successful; a disorderly collection of troops under the Kiaya of the Seraskier, and two Pashas of the neighbourhood, after making some show of resistance, having evacuated Beibourt and dispersed on the approach of the Russian troops.

The sharpest contest of this Asiatic campaign was the attempt of the Pasha of Van to rescue from the Russians the fortress of Bajazet, which had been taken by Count Paskevitch towards the close of the operations of the preceding year; and where he had left a garrison under the command of Major General Popoff.

In the course of the month of June, the Pasha had assembled a corps of 7000 infantry and 5000 cavalry, with which he encamped on the 29th, near the village of Kazigheul, and after two days employed in reconnoitering and driving in the Russian advanced posts, on the 2d of July, he commenced the attack at once from several quarters on the place. Under the cover of two false movements upon

batteries in other parts, the real attack was made upon the eastern battery. The Pasha had occupied, with two thousand men, a range of rocks almost inaccessible, adjoining the town on that side, and from which his artillery swept the Russian troops on the flank and in the rear: at the same time the inhabitants of the Tartar quarter of the place, turned against the Russians, and commenced a heavy fire of musketry upon them from the houses. Major General Popoff concentrated all his forces, including the reserves, dismounted his regiment of Cossacks, and opposed with desperate resistance the superior number of the Turks. Four times, in the space of three hours, was the battery taken and retaken: as night came on, General Popoff, by advice of a Council of war, abandoned the further defence of it, and drew off his troops, occupying only the old and new castle and a single western battery. The fire of musketry was kept up the whole night, and the next day the fire of artillery upon the Tartar quarter was renewed, and continued five hours without cessation. The Turks, re-assembling to the number of six thousand men, opposite the eastern battery, made a furious assault upon the town; but were thrown into disorder, and driven back by a cross fire from three sides of the whole Russian artillery. After thirty-two hours of incessant fight-

ing, the Turks retreated, and encamped about six miles from the town; but the garrison was too much weakened to attempt a pursuit. The Russian report acknowledges a loss of killed and wounded, in the two days, of nearly eight hundred men; the real loss must have been much more severe. It states that the Turks had left upwards of four hundred dead on the spot, and that their whole loss of men killed was not less than two thousand.

From the 4th to the 12th of July, the Turks reappeared every day on the heights surrounding the place, but without venturing any new attack upon it. A reinforcement of the garrison from Georgia entered the place on the 7th, the Pasha having detached a corps of five thousand cavalry, to intercept them, without success.

As soon as the Pasha received information of the defeat of Hagki Pasha and of the Seraskier, and of the capture of Erzeroum, he found it necessary to abandon all thought of recovering Bajazet, and to return to the defence of his own territory.

About the last week in July, Major General Bourtsoff, commanding the detachment at Beibourt, learnt that a body of ten or twelve thousand men had been gathering near the town of Khumishchane, on the road to Trebisonde, and undertook, with only five companies of infan-

try and a regiment of Mussulmen cavalry, to anticipate the attack which he expected from them. On the 31st of July he came up with them near the village of Khart, and after driving in the advanced guard, in the hope of throwing them into confusion, notwithstanding their great superiority of numbers, charged them impetuously with his whole detachment; but in leading up his Mussulmen regiment, fell by a musket ball through the body. Lieutenant Colonel Lindenfield then took the command; saw that the disproportion of force was too great, and the position occupied by the enemy too advantageous to leave him a hope of success by perseverance in the attack; he therefore drew off his detachment, and, unmolested by the enemy, returned to Beibourt, where on the 5th of August General Bourtsoff died of his wound.

General Paskevitch was informed of the unfortunate issue of this gallant enterprise on the 1st of August, and the same night ordered the column of Major General Mouravieff to proceed by forced marches to Beibourt, to which place he repaired the next day, but arrived there only on the 6th. He ascertained on the 7th, that the assembled force consisted of people from the province of Lazistan, with a detachment of 4,000 men, commanded by Osman Shatyn Og-lou, former Pasha of Anapa, who

had been taken prisoner the preceding campaign, and set at liberty. His forces now occupied eight villages, forming a semicircle, all at about three hours march from Beibourt, and so situated that the whole body could be concentrated, at either of them which might be attacked.

The General, after reconnoitering their positions, concluded to direct his attack upon Khart, where about three thousand of the bravest mountaineers were posted. At five o'clock in the afternoon of the 9th the cannonade commenced from a battery of 12 pieces of cannon, and continued about half an hour. During this time, from the summits of the northern mountains, and from the villages along the declivities, a mass of infantry was advancing, and formed two ambuscades, one upon the flank and the other in the rear of the Russians. General Paskevitch, after opening a fire of artillery upon the intrenchments, determined to direct his first attention to those reinforcements; and the day was consumed in demolishing these two ambuscades, and in occupying all the heights by which the villages were surrounded. After this had been effected, and the heights both at the right and left of the village were in possession of the Russians, they were attacked, near ten o'clock at night, by a fresh corps of Turkish troops of two thousand men, under Osman

Pasha, joined to the fugitive Lasians, who had been driven from their position. They were finally arrested by a fire of grape shot, within reach of musketry from the Russian camp.

The Lasians in the village, finding it surrounded by the Russian forces, perceived that their only prospect of safety was in flight, and almost entirely evacuated the place in the night; passing in small bands between the different detachments of Russian cavalry, posted at some distance from each other; one party of them, falling in with a Russian regiment, which intercepted the prisoners, and three of their standards, besides killing a number of their men. At day-break, the village was occupied by the Russians, who found a remnant of the Lasian troops there, took 12 prisoners, and put the rest to the sword.

Count Paskevitch then detached a large body of cavalry, in two divisions, to scour the neighbouring villages, on the right and left of his position at Khart. Major General Raievsky, with the right division, at a distance of 8 miles, found a corps of 800 or 1000 Turkish infantry, which fled, and sought refuge on rocky heights, inaccessible to cavalry and artillery. The other detachment, under Colonel Anrep, soon overtook, in the defile where the village of Balahor is situated, the camp of Osman Pasha,

with three thousand men, cavalry and infantry, whom they immediately engaged, and after an obstinate conflict, put to flight. The action was commenced by a Russian Tartar regiment, which, overpowered by numbers, were twice driven back ; but being promptly supported by another Mussulman regiment, compelled the Turkish cavalry to retreat behind the village of Balahor ; leaving there their infantry, with two pieces of cannon. The Russian Mussulman cavalry, sustained by a regular body of horse, then marched directly upon the village. Two other divisions of regular cavalry were despatched to turn the right flank of the Turks, while the artillery plied upon the centre. The Turks, horse and foot, took to flight, and were pursued in all directions till dispersed, and lost in the recesses of the mountains. Their two pieces of cannon, a standard, the whole camp of Osman Pasha, their baggage, with the property of the inhabitants of several villages, who had retired into the mountains, a large quantity of powder and ammunition, a number of head of cattle, and many horses, abandoned by the Turks, who escaped on foot from the pursuit, fell into the hands of the Russians. The report of General Paskevitch states the Turkish loss in killed, at more than 300 men, and 150 prisoners ; his own loss in the two days he gives

as only six men killed, four officers, and less than sixty soldiers wounded, which, considering the severity of the contest, and the number engaged, must be susceptible of considerable additions.

The report estimates the number of the Turkish forces engaged, at near 12,000 men, and adds, that from all Lazittan, further reinforcements of perhaps ten thousand men were expected. He considers the whole levy, and all the troops which could be collected by the Pasha of Trebisonde, as definitively broken up, and scattered by this victory ; and sends to the Emperor four standards, captured from the Lascians, "the most valiant of the Asiatic nations."

We close here the account of the brilliant campaign of 1829, of the detached Russian army of the Caucasus, under the command of the Aid-de-Camp General Count Paskevitch, of Erivan ; whose career, from the commencement to the close of the war, was one of continual and uninterrupted success. Such had, also, been his immediately preceding campaign in Persia. In both instances, it will be observed, he had to contend with greatly superior numbers. Much of his success was undoubtedly due to the superiority of European discipline and tactics. "In the battles of Kainly, and Milli-Duzè, on the first and second of July, his whole army must have been annihilated,

had the commanders and army opposed to him, belonged to *any* christian nation whatever. His manœuvre to separate the Seraskier of Erzeroum, and Hagki Pasha, against *such* adversaries, was only bold, and was justified by complete success. Against christian chiefs it could not have been practicable; we may safely say, he never would have attempted it.

We return to the more important theatre of war, in the European Provinces.

The campaign commenced by the renewal of the siege of Silistria, under the immediate direction of General Count Diebitch himself. A sortie was soon after made by the garrison, who were soon driven back, but in which Major General Prosorovski was killed by a cannon ball.

On the 17th of May, the detachment of the Russian army, commanded by General Roth, posted near the village of Eski-Arnaoutlar at the junction of the roads, of Bazardjik, Pravody, Devno and Shumla, was attacked by the Turkish army commanded by the Grand Vizier from Shumla.

This was no longer Izzet Mehemmed, who had been appointed, the preceding autumn, after the surrender of Varna. He had been recalled, and displaced by the Sultan, about the 20th of February, and Redschid Pasha, Seraskier of Roumelia, appointed in his stead.

The reputation of Redschid Pasha was founded upon his success in suppressing the insurrection of the far-famed Ali Pasha of Janina; and subsequently by the conquest of Missolonghi, and of the Acropolis.

The force of General Roth consisted of three regiments of infantry, with twelve pieces of artillery, and a company of Cossacks. Before daybreak, under a thick fog, the Cossack advanced posts were attacked, and the whole detachment was soon surrounded by fifteen thousand Turks, infantry and cavalry: an obstinate conflict ensued, and the Turks, several times repulsed, still returned to the charge, till about nine o'clock, Major General Wachton, hasting from Devno, with two regiments of Chasseurs, and two of Cossacks, by a vigorous charge, forced the Turks to retire with considerable loss. Strengthened soon after by a reinforcement of three thousand fresh men from Shumla, Redschid Pasha renewed the attack, and sent a body of four thousand horse, to turn the left wing of General Roth. To counteract this movement, that officer detached two regiments, with artillery, supported by two battalions of infantry, when the two regiments were forthwith surrounded by the Turkish cavalry, and received unbroken, their whole shock; compelling them to retreat with heavy loss. The Turks then brought into action the whole body of their in-

fantry, which bearing down upon the single regiment of Okhotsk, drove them from their position, and took four pieces of light artillery, the horses and men by which they were served, being all cut to pieces. The detachment was in imminent danger of being overpowered by the shock of twenty-five thousand men, but was relieved by a charge with the bayonet on both flanks of the enemy, by two battalions of infantry, under the command of Colonel Lischin. The Grand Vizier, as night came on, retired, leaving the field of battle in possession of the Russians, and fell back upon the valley of Nutchá toward Shumla. The battle had lasted from three in the morning, till eight in the evening. The Russian report says that the Turks left upwards of two thousand dead upon the field, and a great number of horses; that the rage of battle did not admit of making many prisoners, their number amounting to only forty-six, among whom was one Mollah; that their own loss was of one Major General Ryndiu, an officer of engineers, a chaplain, and 480 men killed, and 627 officers and men wounded.

From a report of Lieutenant General Baron Kreutz, commanding a detachment of observation upon the road from Shumla to Silistria, it appeared that he had established a communication on the 19th of May, with the corps of infantry of General Roth, posted at Eski-Ar-

naoutla, and that afterwards, the Grand Vizier had returned with his army to Shumla.

A few days after, General Diebitch was informed by prisoners brought in by some of his scouting parties, that the Turks were assembling large bodies of militia at Razgrad; and detached General Kreutz, with twelve squadrons of cavalry, eight battalions of infantry and twelve field pieces, to disperse them. General Kreutz left the camp before Silistria on the 27th of May, and on the 29th, reached Razgrad, which the Turks evacuated at his approach. He intercepted, however, a courier bearing despatches from the Grand Vizier to Hussein Pasha, then commanding at Rustshuk. On his return towards Silistria, General Kreutz took the road through Tourtoukaï. On the 31st, his advanced guard, commanded by Major General Sherémeteff, met and attacked between Eximil and Tourksimil a corps of about 1,000 horse, with some infantry, under the command of Hassan Pasha, from Rustshuk. He put them easily to flight with the loss of 250 men killed; 117 prisoners, a standard, and much baggage.

The intercepted letters from the Grand Vizier to Hussein Pasha, gave notice of his intention to march by the way of Pravody, and Bazardjik to the relief of Silistria. On the 28th, he had accordingly

left Shumla with forty thousand men; of which twenty regiments of regular infantry, and six of cavalry, formed the main strength, and advanced upon Kozloundgi where General Roth, reinforced by the detachment of Prince Madatoff, had collected a force of twenty-four battalions of infantry, and thirty-six squadrons of cavalry. Without attacking General Roth, the Vizier filed with his troops to the right across the valley of Nevteho, and on the 1st of June, occupied the heights of Kerivno, opposite the Russian works in front of Pravody, on the road to Shumla. Here he commenced, and continued for several days, a sharp cannonade. On receiving this information, General Diebitch formed the plan of cutting off the communication of the Grand Vizier with Shumla, and of bringing him to a general action in the open field. He broke up from his camp before Silistria, taking with him 24 battalions of infantry, 24 squadrons of cavalry, and a regiment of Cossacks, leaving the siege to be continued by the rest of his army, under the command of General Krassovsky. There were four roads from Silistria to Pravody; the largest of which was preferred by General Diebitch, with a view to keep his march concealed from the Grand Vizier, till it should be too late to effect his retreat upon Shumla. On the 5th of June, Count Diebitch, with the principal

part of his force, marched to Koutchouk Kainardgi: on the 6th, he continued to Bairam, Pounari; and on the 7th, to Kaourgo, where he was joined by General Kreutz, with four battalions and eight squadrons, who, to cover the principal column on the side of Razgrad, had passed through Aslotar; and who, with an advanced guard of eight squadrons, pushed forward the same day to Kigidgelar:—On the 8th, the army proceeded to this place, and the advanced guard to Molotch:—On the 9th, the army came to Taouchan Kozloundgi, and the advanced guard to Yanouskioi. No fires were made in this camp, while General Roth, leaving all the fires of his camp at Eski-Arnaoutlar lighted up, in the night of the 9th, filed off towards Taouchan Kozloundgi, where his cavalry arrived early in the morning of the 10th.

There were three passages, by which the communications between the camp of the Grand Vizier and Shumla were practicable. One by the way of Pravody, which being still in possession of the Russians, was now barred. The second by the defile of Nevtecha, through which his position of Kerivno might have been assailed; but it would have been a rash experiment; for even if it had been forced, his retreat by the way of Markovtcha upon Shumla, was yet open, and there were all his supplies of warlike stores and provisions. Ge-

neral Diebitch determined, therefore, upon another movement, to put himself upon the direct line of communication of the Turkish army. On the 10th, he proceeded, at the head of the corps of Count Pahlen, composed of the troops from Silistria. The advanced guard of General Kreutz met near Yenibazar small troops of Turkish cavalry, and urged them back upon Shumla. A corps of Turkish infantry attempted to defend the passage of a brook at Boulanik, was repulsed in the same manner; and General Kreutz crossed the brook. Keeping the brook itself as a defence of his right flank, he stretched his left out towards the Stragea, fronting towards Shumla, to cover the rear of General Diebitch's main body, the head quarters of which were taken near the village of Madera; fronting towards the defile of Tchirkovna, through which passed the direct road from Pravody to Shumla. A new advanced guard of five battalions and four squadrons, commanded by General Otrotchensko, was posted at Koulevtcha, and Tchirkovna, to watch the pass at the defile. The corps of General Roth was left at Taouchan Kozloudgi to cover the Russian communications, and be ready to receive the Vizier, if he should attempt the passage at the defile of Nevitcha. The two corps were thus

at hand, to give mutual aid to each other in case of need.

By the single march upon Madera, the situation of the Grand Vizier became extremely critical. The very defiles, which formed the strength of his positions, had been turned into barriers against himself. The three passages between his camp at Shumla were occupied by the Russians; and he had not a suspicion of his danger. The march of Count Diebitch from Silistria had been so completely concealed from him, that when his advices from Shumla, made known to him the presence of a Russian force in the plain fronting that place, he thought it was only General Roth with a part of his corps, operating a diversion for the relief of Pravody. He determined, therefore, to raise the siege; and, after crushing the corps of General Roth, to proceed on the direct road from Shumla to the relief of Silistria. In the evening of the 10th of June he broke up his camp at Kerivna, and by a night march passed from Markovtcha upon Tchirkovna. General Roth received immediate notice of this movement, left Taouchan Kozloudgi, and in the morning of the 11th formed his junction with Count Pahlen; so that the army assembled near Madera was of 44 battalions and 50 squadrons. On the morning of the 11th, a body of about 3000 Turkish caval-

ry and infantry made their appearance at the pass of Tchirkovna; Some of the prisoners taken in the defiles occupied by the Russians reported, that on the night of the 10th, the Grand Vizier had posted part of his army there; but that he himself, with the principal part of his forces, had taken a cross road from Newkoutcha through Komarevo upon Marasch. This information proved to be false. To ascertain the fact, General Diebitch ordered a reconnoissance by General Otrotchensko, with ten battalions of infantry, four squadrons of cavalry, and twelve field pieces. This movement was scarce executed, when the whole regular infantry of the Grand Vizier was seen, formed in hollow square, with his cavalry displayed in well-ordered columns, and the whole supported by a numerous artillery. He was himself there, with twenty-two regiments of regular infantry, several of cavalry, and fifteen thousand irregular infantry and cavalry from Anatolia. A general and desperate action now commenced, during which the corps of General Otrotchensko, nearly overpowered by the successive charges which it sustained, was reinforced by six battalions of infantry, eight squadrons of cavalry, and eight field pieces of battering horse artillery, which, with vigorous charges of two regiments of hussars, *restored* (says General Diebitch's report,)

the equality of the combat. After four hours of bloody conflict, the firing ceased on both sides, from the extreme lassitude of the combatants. The Turks fell back upon a strong position, towards the woods, leaving the field of battle heaped with dead, from their best regular regiments. General Diebitch availed himself of this interval, to prepare for a final and decisive struggle. He relieved the troops which had been engaged, by eight fresh battalions, supported by the reserve of General Roth, consisting of eighteen battalions and twenty squadrons. At the same time, he sent a reinforcement of four battalions and fourteen squadrons to General Kreutz, who was posted before Shumla.

Aware of these preparatory movements, and alarmed by the losses he had already suffered, the Grand Vizier assembled a council of war, in which it was resolved to effect a retreat by the way of Markoutcha and Komarevo, upon Marasch. But while the council were in deliberation, at about four in the afternoon, all the Russian columns advanced in different directions to renew the attack. The horse artillery, by a well-directed fire, succeeded in blowing up two powder wagons of the Turks, which spread terror among their ranks, and threw them into confusion. This was succeeded by a charge at quick step of the Russian troops, which

the Ottomans did not stay to meet, but took to flight, protected by a heavy fire of artillery, till they were compelled to follow the infantry, abandoning 40 pieces of cannon, with all their powder wagons and carriages, with loss of more than two thousand slain, and fifteen hundred prisoners. The Grand Vizier himself, with the wreck of his cavalry, effected his escape and succeeded in reaching Shumla. For his safety, he was not a little indebted to the obstructions on the road, occasioned by the deserted baggage wagons and equipages of his own army, which so encumbered the road, that a part of the Russian infantry was necessarily detained in opening a passage for the artillery.

Such was the decisive issue of the battle of Koulevtcha, or of Pravody. It was contested with an obstinacy of valour on both sides, seldom surpassed; and the victory here, like that of Count Paskevitch at Kainly and Milli-Duzé, displayed the superiority rather of European tactics than of courage. The Grand Vizier, like the Seraskier of Erzeroum and Hagki Pasha, was taken by surprise; and so ill informed was he of the movements of his principal enemy, that he found himself surrounded, within passes selected by himself for defence, by a stolen march of the Russian army, which it had taken six days to perform, and of which he remained

utterly ignorant to the last. The loss of the Russians is stated to have been 1178 killed and 1091 wounded, among whom were Generals Otrotchensko and Glasenop. Lieutenant Colonel Remling was killed.

The attempt to pursue the shattered remnants of the Turkish army, was not remarkably successful. Establishing his camp at the village of Madera, General Diebitch gave in charge to Count Pahlen, the pursuit of the fugitive army, and General Kouprianoff with the garrison of Pravody, where he had commanded during the siege of that place by the Grand Vizier, was ordered to join the pursuit. The corps of General Roth, with the addition of a division of hussars, advanced by the way of Kasaply upon Marasch, on the 12th of June, so that General Rudiger, at the head of the advanced guards, might extend his line along the Kamtchik, and send out strong reconnoitering parties upon Eski Stamboul and Kostaga.

Before Count Pahlen reached the village of Markovtcha, the Turks had struck off from the high road, at the right hand towards Yankov, by roads impracticable for artillery; leaving, therefore, the pursuit to General Kouprianoff, he fell back upon the position occupied by the army. Both roads were obstructed and encumbered by the baggage and ammunition wagons of the defeated army, presenting

for the space of fifteen miles, the continual demonstration of its ruin. On the other side, General Roth, in advancing upon Marasch, was met by a corps of cavalry 1500 strong, sent out from Shumla to impede or annoy his march; but they were driven back with a loss of six hundred of their number by the cavalry commanded by Prince Madatoff. General Rudiger, in the mean time, continued the march upon Marasch, where, after the action, the whole corps of General Roth took up their quarters.

While these eventful scenes were passing between Pravody and Shumla, the war upon the line of the Danube was scarcely less active. The siege of Silistria continued to be vigorously pressed by General Krassovsky. Before the departure from the place of General Diebitch, he had been at different times informed, that the Turkish government were making large purchases of grain along the shores of the Danube, to send them down by that river to supply with provisions the fortresses on its banks, still in their possession. He gave orders, therefore, to General Geismar, to cut off their communication with those fortresses by the river. For this purpose General Geismar undertook to cross the river and take possession of the fortified town of Oreava or Rakho-va, situated on the southern side of

the Danube, about half way between Rustshuk and Widdin.

On the 8th of June, at 10 o'clock at night, a detachment of 200 volunteers, commanded by Colonel Count Tolsloy, and a battalion of chasseurs under Colonel Gesrilenkoff, embarked, the whole being commanded by Colonel Grabbe, in boats, and descended the river Jio to its mouth, opposite to which, on the right bank of the Danube, there was a Turkish redoubt armed with three pieces of cannon. The rest of the Russian troops came down to the borders of the Danube, where at day break of the 9th, from a battery of 22 pieces of cannon, commanded by Major General Dietenrichs, they commenced a brisk fire upon the town and redoubts on the opposite side of the river, which was returned by an equally active fire upon them. At the dawn of day, Colonel Grabbe, with his boats, crossed the river rapidly, followed by the boats of Colonel Tolsloy and the four boats of volunteers, and landed amid the cheering shouts of their own hurras, and a shower of musketry from the heights, houses, and hovels of the southern shore. Colonel Grabbe himself first sprung to the land. The impatience of the volunteers did not allow them to wait till their boats reached the bank. No sooner had they got within their depth, than they dashed from their boats

into the river, and waded to the shore. The Turks defended inch by inch every passage and every house. The landing being effected, an obstinate action of four hours ensued, during which a redoubt upon a steep height was carried by assault, at which Colonel Grabbe was wounded by a musket ball: he then sent Colonel Grilenkoff, with two companies, who took post on a hill, which commanded the city, and thereby cut off the communication of the Turkish troops remaining in the redoubt on the shore, and in the citadel, where the Pasha had taken refuge with his garrison, in the houses and mosques. General Geismar then sent Colonel Gavrilenkoff with a fresh battalion of infantry, who crossed the river in the boats which remained on the northern shore, together with those which had returned from the morning's passage, and after passing about the redoubt on the bank, carried it by assault, the Turks refusing to surrender it upon the offer of quarters. The Pasha soon after came out from the citadel, surrendering himself and his garrison of 400 men to Colonel Grabbe at discretion. The Turkish gun boats on the river were then attacked by order of General Geismar, and one of them was taken. The Turkish cavalry commanded by another Pasha, numbering 500 men, escaped by flight. Selim Effendi, Ayan of Rakhova,

were among the slain, the numbers of which were great. Five pieces of cannon, six standards, and 46 prisoners, among whom was Hussein Aly, Pasha of Vrana, and many officers, were taken. The Russian report acknowledges a loss of 3 officers and 47 privates killed, 11 officers, among whom were the Colonels Grabbe and Tolsloy, and 175 soldiers, wounded.

On the 30th of June, when all the preparations for a final and decisive assault were made, Sert Mahmoud Pasha, commanding the fortress of Silistria, delivered its keys to Lieutenant General Krasovsky, who directed the siege, and surrendered himself, and his garrison of ten thousand men, prisoners of war. 220 pieces of cannon, 80 standards, and the whole Turkish flotilla, fell with the fortress into the hands of the Russians.

Immediately after the surrender of Silistria, General Diebitch commenced his preparations, for the passage of the Kamtchik river and of the Balkan mountain. He gave orders accordingly to General Krassovsky to leave there a garrison of eight battalions of infantry, and three regiments of Cossacks, and to join him with all the rest of his troops at Shumla. General Krassovsky was engaged in carrying into effect the articles of capitulation of Silistria, till the 7th of July, when with his advanced guard he commenced his march from

Silistria, and directed his columns partly upon Kozloundgi, and principally upon Shumla. The grand Vizier was expecting that after the fall of Silistria, the whole Russian army would be detained by the siege of Shumla; and under that impression had called in 12 regiments of troops, regular and irregular, and had thereby weakened his line of defence, on the borders of the Black sea, and at the passes of the Balkan—dispositions altogether favourable to the plan of the Russian commander. To confirm him in his error, he made his arrangements, so as to avoid all appearance of change in his own camp; and when, on the 15th of July the first detachment of General Krassovsky's corps appeared, he posted them in the positions occupied till then by the troops of General Roth, who were ordered to march by Yenibazar upon Devno. In like manner, when the last division of General Krassovsky came up on the 15th, they took the place of General Rudiger: these movements always taking place at night after the evening gun, and the arriving detachments immediately occupying the posts of those that departed. General Diebitch himself, therefore, left his camp before Shumla only on the 17th of July, his plan being to effect the passage of the Kamtchik in two columns, with a corps of reserve under Count Pahlen, leaving the troops of

General Krassovsky in observation before Shumla, not to advance beyond the position of Yenibazar, supported by the fortified towns of Pravody and Bazardjik. He took with him the corps of Generals Count Pahlen and Krassovsky, and after a march of 35 miles, arrived on the 18th with the first at Devno, leaving General Krassovsky, with 23 battalions, 40 squadrons, 10 companies of artillery, and 4 regiments of Cossacks, near Yenibazar.

The Grand Vizier, on perceiving that the camp of General Diebitch before Shumla was broken up, sent at daybreak of the 18th a corps of one thousand horse, rather to reconnoitre the direction which the Russian army were taking, than to attack them. Their rear guard, commanded by Lieutenant General Prince Madatoff, halted about two miles in front of Yenibazar, and the corps of General Krassovsky took a very advantageous position beyond that village. General Diebitch suspended his march with the corps of Count Pahlen beyond Taouschan Kozloundji till five in the afternoon, to sustain General Krassovsky if it should be necessary; and then proceeded to Devno.

In the mean time, the corps of Generals Roth and Rudiger continued their march upon the Kamtchik, though retarded by the difficulties of the roads, increased

by several successive days of rain, so that General Rudiger only reached Tchalymary on the 17th at 6 o'clock in the evening ; and it was the morning of the 18th when General Roth reached the Kamtchik, opposite the village of Dervisch Djevane.

On the 19th General Rudiger threw a bridge over the river at Tchalymary, under the protection of his artillery ; dislodged the Turks on the southern shore, and marched upon the village of Kouprikioi, where the principal Turkish force was stationed, intercepting the high road to Aidos. The passage at that place was wholly unexpected by the Turks : General Rudiger, to cover it, having ordered Major General Siroff to bear with two regiments directly upon the point of the river opposite to Kouprikioi, and General Kouprianoff, with a brigade of chasseurs from the garrison of Pravody, and a regiment of Cossacks, to make a reconnoissance along the left bank of the Kamtchik by Komarevo and Tcharnowrta. Three thousand men under the command of Youssouf Pasha were stationed in intrenchments, covered by a redoubt, and were so unprepared for defence, that they were driven from them by a charge with the bayonet, without loss to the Russians of a single man killed or wounded, except in the pursuit. This was over grounds very much

cut up. In this pursuit, by a vigorous charge of a division of chasseurs, 4 field pieces were taken. The whole Turkish camp and three pair of colours fell into the hands of the Russians near Kouprikioi.

Hearing a distant cannonade upon the Kamtchik below his position, General Rudiger moved in that direction, to effect his junction with General Roth, leaving three regiments in the redoubts taken near Kouprikioi. General Roth, upon reaching the Kamtchik opposite to Dervisch Djevane on the 18th, had encountered great opposition from the Turks. The passage was defended by well constructed entrenchments, armed with twelve field pieces, and garnished with a numerous corps of infantry and cavalry. To avoid a useless waste of men, he posted two brigades of chasseurs under cover, protected by a battery of sixteen pieces, and kept up a fire of artillery and musketry across the river ; secretly sending Major General Veliaminoff, with one division and part of another, to the right towards the village of Dulgherd. The road to Dulgherd was nearly impracticable, and the point fixed for the passage of the river, was reached with great difficulty ; three bridges across the river were nevertheless prepared, under the incessant fire from the Turkish intrenchments, by ten o'clock that evening ; and on the night, a fourth was thrown over

another arm of the Kamtchik. At daybreak of the 19th, the passage was effected. The Turkish camp was immediately assailed, and taken with six cannon. The Turks took to flight, and escaped into the woods, and on the road to Bouyouk Tchiflik, abandoning their arms and baggage. The Turkish commander of the post, Ibrahim Pasha, was killed.

The whole corps of General Roth now marched down the south shore of the Kamtchik, upon the village of Dervish Djevana. They had to make their way through thick underbrush of a forest, over marshy and swampy grounds, by labours in which the officers bore their part. They passed several fords with the water up to the breast, and were attacked by some hundreds of Turkish horsemen, whom they repelled under the fire of grape-shot from their intrenchments. General Roth then, with eight pieces of light artillery, and eight of horse artillery, posted a battery against the intrenched corps of the Turks, which he at the same time assailed in front and flank, with infantry and cavalry. Major General Froloff, who had been left on the northern bank of the river, now passed it, by fording, with a corps of chasseurs and of Cossacks, holding their cartouch boxes over their heads, and rushed with pointed bayonets upon the enemy, who, after a discharge of grape, attempted to car-

ry off their artillery, but were so closely pursued, that in their flight, they had five field pieces, six standards, all their camp, 200 prisoners, thirty-five casks of powder, and a considerable number of cannon balls, taken from them. The Cossacks of General Froloff took one piece also, upon landing on the shore, as the Turks fell back upon Dervish Djevana. At this passage of the river, General Roth ordered General Zavodsky to march upon the village of Aspro, to cut off the retreat of the Turks. On the 19th, at noon, General Rudiger arriving at the village of Bouyouk Tchiflik, learnt the successful passage of the river by General Roth, and in the hope of intercepting some of the fugitive Turks, sent a regiment of Cossacks, directly towards Arnautlar, where they met the advanced guard of his corps.

On the 21st of July, the corps of General Rudiger was at Aivadjik, and his advanced guard at Yerketch, that of General Roth, was at Yercli-deré, and his advanced guard at Paliobana, upon the summit of the great Balkan. The corps of Count Pahlen advanced by the way of Aivadjik, and halted near the creek of Fondoukli-déré, to which the head quarters of the army were that day transferred.

Meantime the corps of General Krassovsky before Shumla remained unmolested: on the 19th, the Grand Vizier, with 5000 men,

of cavalry, appeared on the heights on the south side of the small river Yerekli, fronting the advanced guard of Lieutenant General Prince Madatoff, but without attacking him. After remaining some time in observation at that point, he returned to Shumla, leaving his advanced posts on the right bank of the river.

On the 22d of July, the general head quarters of the army were removed to the village of Erketch on the summit of the Balkan. The astonishment of the Russians was, at the facility with which they reached the top of the mountain; and when they came to it, and from the mountain-top, beheld the gulf of Bourgas open to their view, the moment was signalized by a spontaneous universal shout of joy.

On the same day, General Roth, with his corps, proceeded on their march to Mezembri, and were met about noon, on the northern side of the river of Jujiakioi, by seven thousand men, infantry and cavalry, with seven field pieces, commanded by the three-tailed Pasha Abdourrahman. They were easily put to flight by a charge of hulans, and fire from the Russian artillery, and were pursued for a distance of seven or eight miles. Major General Wachten was sent with a battalion of chasseurs, a brigade of hulans, and four pieces of horse artillery, against the fortified camp of the Turks, at a cape between Mezembri and Rovda, which sur-

rendered at discretion, after a few discharges of artillery and musketry. General Roth, at the same time, moved with his main force upon Mezembri, which, on the 23d, they occupied. Fifteen pieces of cannon, ten standards, powder, and warlike stores in quantities, were surrendered, together with Osman Pasha, commander of the place, one hundred officers, and a garrison of more than two thousand men. Four field pieces, abandoned by the Turks, were taken without the walls. Eight hundred prisoners, nine standards, eight field pieces, and a corvette of twenty-six guns, had been taken the day before, in the pursuit. In the Russian report, it may be hoped that the slaughter of 1,500 Turks is overcharged; or the acknowledged loss of only ten men killed on their own side, is underrated.

The advanced guard of General Rudiger, commanded by Major General Siroff, met on the 22nd, upon its march from the village of Erketch to the southern pass of the Balkan, a corps of more than 2,000 men whom they drove before them on the road to Bourgas eight miles, and beyond the village of Koparane. With a loss of 6 men, they took 2 standards, and 12 officers with 121 soldiers, prisoners. The corps of General Rudiger arrived on the 22nd of July at the village of Alakania, where they found a camp of 3000 men, abandoned at

their approach; and where 2 pieces of cannon, and considerable stores of ammunition, had been left behind.

Arriving on the shores of the Euxine, the progress of the army was aided by the co-operation of the fleet of Admiral Greig. On the 19th of July he sailed from Sizopoli, with three ships of the line, three frigates, one brig, two gunboats and a steamer, and anchored the next day before the city of Mezembri. A calm which lasted two days, and a heavy gale of wind on the 21st and 22d, did not admit of his blockading the city. In the night of the 22d, the storm having abated, the fire from the ships was brought to bear upon the place, and blew up the powder house of the fortress.

After the occupation of Mezembri, General Roth sent Major General Nabel with a regiment of hulans to take possession of Akhiola, which, with the aid of a number of men landed from the vessels in observation before the place, was effected. 14 pieces of cannon, 1 mortar, 3 powder magazines, and stores of salt, were found at Akhiola.

On the 24th of July, General Rudiger took a position upon the heights between the villages of Eski-Baschi and of Kodjemar, on the lower road to Roumilikioi. He advanced upon that place on receiving advice from Major General Siroff, that he had met, on the

mountains near Aïdos, a Turkish corps of 1,000 men, infantry and cavalry, under the command of Ibrahim Pasha, reinforced with 300 horsemen from Shumla. On the 25th, General Rudiger, occupying with 6 battalions, 8 squadrons of hulans, and 20 pieces of cannon, a position within 3 miles of Aïdos, was attacked by the Turkish cavalry of superior force, who, after a sharp action of three hours, were put to flight, and the Russian troops took possession of Aïdos. Four field pieces, 4 standards, 7 officers, and 220 men, were taken at Aïdos; the Turkish loss in killed is stated at near 1,000. Five hundred barrels of powder and 600 tents were found in the city. A loss of less than 100 men killed and wounded, including officers, is acknowledged.

The Turks made a sortie from Bourgas on the 24th against the advanced guard of General Roth, commanded by General Nabel; but they were driven back, and Bourgas itself was occupied by the Russians. The head quarters of the army were at the village of Jujiakioi. On the 25th, General Roth with his corps advanced to Roumilikioi, where he was joined by the brigade of General Nabel from Bourgas; the general head quarters were at Eski-Baschi. Count Pahlen with his troops left that village on the 25th, and arrived at Roumilikioi on the 26th, upon which day the head quarters of

General Diebitch were at Aïdos. On the 27th of July, the advanced guard of General Rudiger took possession of the town of Karnabat. The next day, that officer proceeded thither with his whole corps from Aïdos. On the 30th Count Pahlen with his corps left his camp near Roumilikioi, and arrived the next night at Karabounar.

On the 30th, Major General Sheremeteff, with a brigade of hulans, four pieces of horse artillery, and a company of Cossacks, went from Karnabat, to make a reconnoissance towards Yambol; and on the 31st was attacked by a Turkish corps of 15,000 men, infantry and cavalry, commanded by Halil Pasha. The attack was repelled, and two squadrons of the Russian cavalry, forcing their way into the city, burnt the Turkish camp. But General Sheremeteff not being in force to risk a pitched battle with so large a force, returned on the 6th of August to Karnabat, leaving 100 Cossacks to observe the enemy and the city of Yambol: and Halil Pasha, justly concluding that General Sheremeteff's corps was but the advanced guard of the Russian army, evacuated Yambol on the night of the 31st, and the city was occupied by the Cossacks left to observe it.

In the mean time, General Krasovsky had, on the 26th, left Yenibazar, for a nearer observation of Shumla; and returned on the 27th,

after some skirmishing with a corps of ten thousand men from the place, which had taken a position on the right bank of the Straji.

We pass over the successive occupation of sundry villages from day to day, till the last effort of resistance on the part of the Turks, before the Russian army reached Adrianople. This was on the 12th of August, at Slivno, or Selimno, said to be the second city of the Ottoman empire after Adrianople. To this place Halil Pasha with part of his troops had retreated from Yambol. Before making his decisive movement upon Slivno, General Diebitch thought it expedient to secure his direct communications with General Krassovsky, and to straiten the Grand Vizier as much as possible in Shumla. For this purpose the defiles of Tchelikavak and of Tchenghé were occupied by detachments from Diebitch's army, while General Krassovsky was ordered to make a general movement upon Shumla by the way of Marasch. In executing this order, on the 6th of August General Krassovsky sent beyond Eski-Stamboul an advanced guard, commanded by Major General Prince Gortchakoff, with five battalions of infantry, and two regiments of hussars, with their artillery. This corps was attacked by the Grand Vizier with a considerable body of troops, a small part of which only was enabled to return

to Shumla ; the rest having been driven back into the mountains between the intrenchments of Matchin and of Troussy, in which they finally took refuge. In this affair, the Turks are said to have lost 500 men and 50 prisoners. Two men killed, two officers and 18 men wounded, are all the loss acknowledged by the Russian report.

The reconnoitering parties sent from Karnabat and Yambol towards Slivno reported that the Turks were assembling in great force on that point, where they were throwing up intrenchments, and where the Grand Vizier was expected with all his forces from Shumla. This information was confirmed by advices from other quarters, and General Diebitch concentrated at the village of Dragodanovo, about twelve miles from Slivno, his troops from Aidos, Karnabat and Karabounar, with two brigades of hulans and one of husars, which he drew by forced marches from the corps of General Krassovsky, and with a brigade of infantry, which had landed from Sevastopol at Sizopoli, and with his reserves. Major General Sheremeteff was left at Yambol, to send out parties of observation, upon the roads to Adrianople and to Slivno, towards which he was to advance on the day of the attack to take part in the action. To give the Grand Vizier the opportunity

of joining the troops who expected him at Slivno, General Diebitch gave his own a day of repose, the 11th, at Dragodanovo. Some prisoners taken by foraging parties of Cossacks unanimously declared, that the Grand Vizier was hourly expected at Slivno, and that his son Hussein had already arrived there, with the Albanians forming his advanced guard. The Turkish force at Slivno consisted of thirteen regiments of regular infantry, three of regular cavalry, and four or five thousand men of irregular troops, with artillery, all commanded by the Seraskier Halil and two other Pashas.

Slivno is situated in a valley surrounded by rocky hills, covered with thorny shrubbery, and forming the last declivities of the Balkan. The roads to it from the mountains are, 1st. That of Kasan issuing from the Balkan, three miles from Slivno, and joining that from Karnabat : this leads to the city by an open valley. 2d. That of Yambol, also through a flat and open country. 3rd. That of Yenissaar, which falls into the preceding, within two thirds of a mile from Slivno. 4th. A mountainous by-path leading to Kassaulyk ; and 5th. A similar by-path leading to the rivulet of Stareoka. The city, which is of considerable extent, was defended by intrenchments on the side of Yambol, where the Turks expected the principal attack

General Diebitch made his dispositions with a view to cut off the retreat of the enemy, by any of the roads upon which his artillery could be drawn. Consequently, in the night of the 11th, one corps drew by a night march, with cavalry and infantry, within six miles of the city, upon the Karnabat road. The detachment of General Shermetteff from Yambol, approached on the same night, also within the same distance; and at daybreak the next morning took possession of the road to Yenissaar.

At six in the morning of the 12th, the corps of General Rudiger approached the forks of the Kasaw and Karnabat roads, and sent a regiment of Cossacks, to occupy the first, while another regiment was despatched on the same road to take a strong position upon the mountain, to guard the flank of the army from any possible approach of the enemy from the side of Kasaw. The approach to the city on that side, was cut up by vineyards, gardens, and copses, which induced General Diebitch, by a movement of his cavalry in flank, at the left, to approach the road from Yambol, in which direction the principal part of the Turkish cavalry and regular infantry had been stationed, the only fortifications of the city being on that side. The mass of the Russian infantry was marched round the skirts of the mountains, and by the

road to Kasaw, in order to take the intrenchments in the rear, and compel their surrender without fighting, as soon as the city should be occupied.

The resistance of the Turks was too feeble, to permit this affair to be called by the name of a battle. General Diebitch says, that the action was not more than three hours long, and on the part of the Turks, was reduced to a few discharges of artillery, and an unimportant fire of musketry. They abandoned the city. They fled from their intrenchments, and took to the defiles of the mountains for refuge. The greater part of them fled by the paths of Kasaulyk, and of the Staroreka, and were pursued by the Russian infantry and Cossacks, till six in the evening. Their artillery, consisting of nine pieces of cannon, with their powder wagons, six standards, and three hundred prisoners, were taken, with quantities of warlike stores and provisions. The Russian loss is stated at not more than sixty men killed and wounded.

The city of Slivno was inhabited principally by christians, and at the entry of the Russian army, the numerous clergy went forth with the cross and holy water to meet them. The town, though taken by assault, was exposed to no violence, and the Russian troops quietly took up their quarters, as if in a city of their own country.

From this time, the march of General Diebitch and his army was scarcely retarded by the appearance of an enemy, till they reached Adrianople. One day of repose was allowed them at Yambol. On the 16th of August, the advanced corps by forced marches reached Hassan Beili, upon the Tundja. The head quarters of the Count were at Papaskioi, and the next day at Bouyouk-Derbent or Bujuk-Dervent. On the 18th, the advanced guard of Major General Siroff, by a march of thirty-five miles, reached Khanli-Enedji, whence he sent forward two hundred Cossacks, to the village of Amantkioi, only three miles distant from Adrianople. The difficulties encountered in this march were, the excessive heat of the weather, the rocky nature of the soil, and the bad state of the roads; worse even than those of the Balkan mountains. The only Turks that showed themselves, were a party of seven hundred horsemen, who were put to flight, and pursued three or four miles by the Cossacks, with loss of a standard and forty-four prisoners.

On the 19th, the army approached by the roads of Khanli-Enedji, and of Akbounar, to Adrianople. Divided into three corps, they were formed into three lines. The first below Eski-Sarai; the second, upon a height commanding all the plain to Adrianople, at the foot of which, was the high road from

Bouyouk-Derbent to the city. The head quarters of General Diebitch, were at the third. The three corps all had the Tundja at their right. General Siroff's Cossacks, took post on the heights, surrounding the city, and patrols were pushed on as far as the road to Constantinople.

After making a general reconnaissance of the ground upon which defensive batteries had been erected, and resistance was threatened, General Diebitch gave directions for the general movement of the army, at daybreak the next morning.

The population of Adrianople was of about 80,000 souls; one half of Mussulmen, ten or fifteen thousand of whom were well armed. The Turkish troops charged with the defence of the place, consisted of ten thousand infantry, one thousand cavalry, and two thousand militia, levied in the neighbourhood of the city. The country round, was cut up with deep ravines, and covered with sloping vineyards, with embankments and ditches. The position therefore was well suited for an obstinate defence. The points selected by the Turks for their batteries were well chosen, but some of them were neither finished nor armed, and in fact resistance was not intended. The Turkish commanders did not even attempt, to make good their retreat upon Constantinople, although there were three modes open to

them for that purpose. Three centuries of security had bred a confidence, that Adrianople could never be assailed; and the approach of the Russians by marches of twenty-five to thirty miles a day at that season, was as unforeseen, as that they would cross the Balkan, leaving Shumla, and half the fortified line of the Danube, behind them.

On returning from his reconnoissance, General Diebitch found flags of truce from the Pashas Ibrahim and Halil, from the Pasha commanding at Adrianople, Shefik Ali Mehmed, and from the Ayans or elders of the city, arriving at his advanced posts to treat for the surrender of the city. The counselor of state, Fouton, was sent to confer with them, and to require that the Turkish troops should lay down their arms, deliver up their artillery, their standards, their warlike stores and provisions, and generally, all property of the Turkish government; on which condition, the Pashas were to be permitted to withdraw with their troops, not towards Constantinople, but towards Philippopoli or Demotika. All the irregular troops and inhabitants were, in like manner, to deliver up their arms, and continue to live peaceably at Adrianople, according to their own laws and administration of justice. Fourteen hours were allowed, for the acceptance of these propositions, and notice was given by Counsellor Fouton,

that if the capitulation should not be signed upon these terms, by the military chiefs and the civil authorities of the city, a general assault would immediately follow.

At five in the morning of the 20th of August, the Russian troops marched in two columns, the first commanded by General Count Diebitch in person, the second by the chief of his staff, the aid-de-camp General Count Toll, according to the previous dispositions of the commander-in-chief. This movement being perceived by the Turks in their position upon the heights, produced among them such consternation, that without waiting for the limited hour, they sent, as early as seven o'clock, flags of truce to ask some relaxation of the prescribed conditions. This was refused, and as the Russian troops continued to advance, the inhabitants came forward in crowds to meet them as deliverers, while the Turkish troops threw down their arms, deserted their batteries, and abandoned their camp, even before the capitulation was signed. Thus the Russians successively occupied the Turkish batteries, and even their principal barracks, where the regular troops had deposited almost all their arms; and the soldiers evacuated the city, passing thus disarmed, before the Russian ranks. The Russian cavalry occupied the road to Constantinople, and cut off the retreat by that way, so that the detachment

which attempted to pass it, being without arms, were, without opposition, turned off the road to Demotika. Count Pahlen took his position at the gate of Constantinople, so called; General Roth, on the road to Kirk-Kilissia, and General Rudiger near the Zundja, where his corps occupied the five barracks built by Sultan Mahmoud for a garrison of ten thousand men. General Diebitch established his head quarters at the Sultan's palace, called Eski Sarai, outside of the city.

The occupation of Adrianople was the signal for a negotiation, which shortly afterwards terminated in a treaty of peace. On the 28th of August, the Defterdar Mehmet-Sadi-Effendi, and Aboul-Kadir-Bey, honorary Kaji-Asker of Anatolia, arrived at the Russian head quarters, with full powers from the Sultan for entering upon, and concluding this negotiation. Before proceeding to show the result, it may be proper to notice some military operations incidental to the movements of the principal army, and particularly the most considerable manoeuvres, for co-operating with the land forces of the squadron upon the Black sea, under the command of Admiral Greig.

On the day of the surrender of Adrianople, Lieutenant General Baron Budburg took possession of the town of Kirk-Kilissia, which was at the same time evacuated by

3000 men, infantry and cavalry, commanded by Abdourrahman Pasha and Ibrahim Pasha, who, with them, took a position about a mile from the city, occupying the roads to Lulé-Bourgas and Adrianople. From these positions, they were driven with a loss of eighty men killed and wounded, and some prisoners, by three squadrons of hussars, and a regiment of Cossacks took possession of the town of Lulé-Bourgas.

On the 22d, the inhabitants of Demotika sent to General Diebitch a deputation, offering to lay down their arms and deliver up the town, and three brass field pieces which were there. A division of a regiment of hulans was accordingly sent, and occupied the place without resistance.

The inhabitants of the city of Adrianople enjoyed perfect tranquillity; their commerce and their ordinary employments were never suspended for a moment. The requisitions for the Russian troops, were addressed to the Kaimakan Pasha, the Governor of the city, and were immediately satisfied, by which means, all causes of complaint on either side were removed.

On the 16th of May, a detachment from the squadron of two ships of the line, three frigates, and a brig, destroyed a ship of the line, just launched, and a new transport, and fifteen other vessels, at the ship yard of Penderaclia, covered by

Cape Baba. Four days before, eight small vessels had been destroyed by the same detachment at Chili.

On the 20th of May, a Turkish squadron of six ships of the line, two frigates, two corvettes, one brig, and three sloops, made their appearance upon the Black sea, coming from the Bosphorus. Their object was to intercept this detachment from the fleet of Admiral Greig. They succeeded, however, in capturing one frigate, the *Raphaël*, Captain Stroinikoff, which surrendered without firing a gun. The honour of the Russian Navy, however, if sullied by this incident, was more than redeemed by the heroic defence of the Brig *Mercury*, Captain Kozarsky, of eighteen guns, which sustained for an hour the joint attack of two Turkish ships of the line, one of them, that of the Capudin Pasha himself, and finally succeeded in escaping from them. Admiral Greig immediately afterwards put to sea, with six ships of the line, when the Turkish squadron took refuge again in the Bosphorus, and was heard of no more.

After the passage of the Balkan by the army, the town of Vassiliko was taken by a detachment of troops, together with about one hundred and twenty sailors of the fleet, landed from one frigate, one brig, and a steam vessel, although the

garrison of the place was more numerous than the assailing party.

The occupation of this place was followed by that of Agatopoli, on the 5th of August, though there was a garrison of two thousand men for its defence, and two thousand more were expected the same night from Iniada.

The fortress of Iniada itself, was taken on the 19th of August, by a division of the fleet, consisting of one ship of the line, two frigates, two brigs, and three bomb vessels. The garrison of two thousand men, made an obstinate resistance of two hours; after which, they abandoned the fortifications with thirty pieces of cannon, two mortars, and large stores of ammunition. And on the 29th of August the fortress of Midia was taken by fifty men, landed from the fleet, and afterwards supported by three companies of a regiment of chasseurs.

Immediately after the passage of the Balkan, and while the headquarters of General Diebitch were at Aïdos, he learnt that the Mahometan inhabitants of several neighbouring villages, who, on the approach of the Russian army had fled into the mountains, manifested the wish of returning with their families to their houses, if they could hope to be protected in living there peaceably. The General, after interviews with their de-

puties, in which he gave every suitable encouragement to these dispositions, issued safeguards and written protections to all who came in, delivered up their arms, and retired to their own dwellings. The example was soon followed by the inhabitants of other villages, in the vicinity of Adrianople, and General Diebitch availed himself of the occasion to issue, on the 31st of July, a proclamation, to the inhabitants of Roumelia, containing the following dispositions :

1. All the Mussulmen inhabitants of the cities, towns and villages, are advised to remain peaceably at their own homes, with their wives, and children, and property, only delivering up their arms, to be deposited in a place of safety ; a particular account of them to be taken, with a promise that they should be returned after the peace.

2. They are to enjoy full liberty in their religious worship. They are to preserve their mosques and their imams—to perform their five daily prayers at the regular hours, and the special Friday prayer, in the name of Sultan Mahmoud, their Sovereign and Caliph : for the mussulman inhabitants, who shall continue to reside in the country occupied by the Russians, are not bound to become Russian subjects, but remain as heretofore, subjects of the Sultan.

3. The authorities of the cities, ayans, cadis, and other civil officers,

are in like manner invited to remain at their respective abodes, and to continue in the performance of their duties. No Russian authority shall intermeddle in the concerns of the Mussulmen, among themselves.

4. The inhabitants of the country shall gather and store up their harvest for their own use ; and the surplus may be sold by them to the Russian army, for ready money, at prices which shall be fixed.

5. The Mussulman authorities in each city, shall deliver up to the authorities of the Russian army, all property belonging to the Turkish government, such as cannon, arms, ammunition, provisions, &c. ; which being effected, all private property shall be inviolate.

6. In the cities, towns and villages, the Russian soldiers shall not be quartered in any of the dwelling houses of the Mussulmen ; and none of these, their wives or children, shall be exposed to the slightest insult or vexation by the troops.

On the 11th of August, the Emperor Nicholas addressed to General Count Diebitch, a rescript, in which, after recapitulating the series of his victories, from that of Koulevtcha, over the Grand Vizier's army, till the occupation of the cities of Aidos and Karnabat, he concludes thus :

“ Desirous of preserving the memory of these brilliant successes of

the army intrusted to your command, and worthily to reward at the same time your signal services, we have, by an ukaze dated this day, addressed to the directing senate, conferred on you and your posterity, the surname of Zabal-kansky, and we have ordained that the regiment of Tcharnigoff should henceforth bear the name of the Regiment of Infantry of Count Diebitch Zabalkansky."

On the 14th of September, 1829, the treaty of peace, in 16 articles, together with a separate act, concerning the principalities of Moldavia and Wallachia, was signed by the Turkish plenipotentiaries, and by General Diebitch Zabal-kansky, together with Count Alexis Orloff and J. Pahlen, on the part of Russia. The following is an abstract of the stipulations of the treaty:

Article 1. Cessation of hostilities, and the restoration of peace and amity.

Article 2. Restoration by Russia of the principalities of Moldavia and Wallachia; of all the towns occupied by the Russians, in Bulgaria and Roumelia.

Article 3. The Pruth, from where it touches Moldavia to its junction with the Danube, to continue the boundary line between the two empires; thence the line to follow the course of the Danube to the mouth of the St. George, leaving all the islands forming the different arms

of the river, in possession of Russia; the right bank remaining as formerly to the Ottoman Porte. It was agreed, however, that the right bank should remain uninhabited, from the point where the arm of the St. George separates from that of Soulina, to two hours distance from the river; and that no establishment of any kind shall be formed there, nor, excepting quarantines, upon any of the islands remaining with Russia. Merchant vessels of both parties to have free navigation upon the Danube through all its course; those of the Ottoman flag to have free entrance into the mouths of Kali and Soulina, that of St. George remaining free to the ships of war and merchant vessels of both parties—Russian ships of war not to ascend the Danube beyond its junction with the Pruth.

Article 4. The frontiers between the two powers in Asia, to be the line, following the limit of the Gouri-el from the Black sea, ascending to the border of Imeritia; thence in the straightest direction to the meeting point of the pashaliks of Akhaltzik and of Kars with Georgia, leaving the town of Akhaltzik and the fort of Khallnulick, distant not less than two hours to the north.

All the countries south and west of the line of demarkation towards the pashalicks of Kars and Trebisond, with the major part of the pashalick of Akhaltzik, to remain

to the Porte; those to the north and east of the said line towards Georgia, Imeritia and the Gouriel, and the whole shore of the Black sea from the mouth of the Kulan to the port of St. Nicholas inclusive, to belong to Russia. The remainder of the pashalik of Akhaltzik, Kars, Bajazet, Erzeroum, and all the places occupied by the Russians out of the above line, to be restored to the Porte.

Article 5. The principalities of Moldavia and Wallachia to enjoy their privileges, according to the capitulations by which they submitted to the Porte, as guaranteed by former treaties and Hatti Sheriffs. Free exercise of their religion; perfect security; a national independent administration, and freedom of trade. Supplementary provisions embraced in the separate act, to be considered as forming part of the treaty.

Article 6. The Porte undertakes the immediate execution of the separate act, relating to Servia, annexed to the 5th article of the convention of Ackerman,—to restore immediately the six districts detached from Servia. The firman, confirmed by the Hatti Sheriff, which orders the execution of the above clauses to be communicated to the Imperial Court of Russia, within one month after the signature of the treaty of peace.

Article 7. Russian subjects to enjoy throughout the whole Otto-

man empire, by land and sea, freedom of commerce, as secured by former treaties. No infringement of this freedom of commerce to be committed by any prohibition, restriction, or regulation. Russian subjects to live under the exclusive jurisdiction and police of the ministers and consuls of Russia. Russian vessels not to be subjected to any visit on board by the Ottoman authorities, neither at sea nor in port. All merchandise and commodities belonging to a Russian subject, after paying the custom-house duties required by the tariff, to be freely conveyed and deposited in the warehouses of the proprietor or his consignee, or transferred to the vessels of any other nation, without needing notice to the local authorities, or asking their permission. Free transit secured to all Russian grain. The Sublime Porte is to watch carefully, that the commerce and navigation of the Black sea shall be free. The passage of the canal of Constantinople and of the Dardanelles, is declared to be free both inwards and outwards, not only to all Russian merchant vessels, but to those of all other nations at peace with the Porte. A subsequent agreement is to be made between the parties, to prevent delay in the delivery of clearances. The Sublime Porte, acknowledging the right of Russia, to obtain guaranties of this full liberty of commerce and navigation of the

Black sea, solemnly declares that she will never throw any obstacle in its way, and promises never to *permet herself* to detain any vessel, either Russian or of any other nation at peace with the Porte, in the passage of the Bosphorus or of the Dardanelles. And if any of the stipulations in this article should be infringed, and the reclamation of the Russian minister should not obtain full and prompt satisfaction, the Porte recognises the right of Russia to consider such infraction as an act of hostility, and immediately to retaliate.

Article 8. The Sublime Porte stipulates to pay one million five hundred thousand ducats of Holland to the court of Russia, within eighteen months, by way of indemnity for losses of Russian subjects at different periods, since 1806, as well those provided for by the 6th article of the convention of Ackerman, as those since accrued in consequence of measures respecting the navigation of the Bosphorus.

Article 9. Besides the cession of the small portion of territory in Asia, stipulated by the fourth article, the Sublime Porte engages to pay a sum of money, the amount of which shall be regulated by mutual accord, as indemnity for the expenses of the war.

Article 10. The Sublime Porte accedes, not only to the treaty of 6th July, 1827, between Russia,

Great Britain and France, but to the protocol of the 22d March, 1829, between the same powers, relating to the affairs of Greece. The Sultan promises to appoint plenipotentiaries, immediately after the exchange of the ratifications of the present treaty of peace, to settle with the three courts the execution of their arrangements respecting Greece.

Article 10. Immediately after the exchange of ratifications, measures shall be taken for the execution of the treaty; especially of the 3d, 4th, 5th and 6th articles, relating to the boundaries, and to the provinces of Moldavia, Wallachia and Servia. When these stipulations shall be fulfilled, the Russians shall evacuate the Ottoman territories, conformably to the basis established by a separate act, forming an integral part of this treaty. Until the evacuation, the Russian administration in the provinces is to be maintained, without any intermeddling of the Porte.

Article 12. Hostilities to cease immediately. Those committed after the signature of the treaty, to be considered as not having taken place. All territory subsequently taken, to be forthwith restored.

Article 13. A general pardon and amnesty granted to the subjects of both parties, who may have taken part in the military operations, or manifested by their conduct or opinions their attachment

to either of the contracting parties. No person to be molested on account of his past conduct, and persons recovering their property to enjoy it under the protection of the laws, or be at liberty to emigrate with it. The term of eighteen months is allowed to the subjects of the two powers, in the territories ceded or restored, to dispose of their property, and remove from the dominions of either party to those of the other.

Article 14. All prisoners of war to be set free immediately after the exchange of the ratifications, and restored without ransom, excepting Christians who have voluntarily embraced the Mahometan religion in the states of the Sublime Porte; or Mahometans, who have voluntarily become Christians in the Russian territories. No re-payment to be required for the expenses of either party to maintain prisoners. Each of them to provide the prisoners with necessaries, as far as the frontiers, where they were to be exchanged by commissioners appointed on both sides.

Article 15. All former treaties, conventions and stipulations between the parties confirmed, with the exception of those annulled by the present treaty of peace.

Article 16. The treaty to be ratified, and the ratifications exchanged, within six weeks, or earlier if possible.

The separate acts relating to

Moldavia and Wallachia, referred to in the 5th article of the treaty, was executed on the same day. It provides a confirmation of the separate act annexed to the convention of Ackerman, so far as relates to the forms of election of the Hospodars; but that their offices shall be held for life, instead of seven years, as they had been limited before. That the Hospodars, with the assistance of their divans, shall administer the internal government of the provinces according to the treaties and Hatti Sheriffs. The Sublime Porte engages, that the privileges of the two provinces shall not be violated by the neighbouring governors, and that the inhabitants of the right bank of the Danube shall make no incursions upon their territories. All isles nearest the left bank of the Danube are to be considered as part of the territory of these provinces, and the channel of the Danube is to form their boundary. The Porte is to retain no fortified point on the left bank of the Danube, nor to permit the settlement there of any of its Mahometan subjects. No Mahometan is ever to be allowed to have his residence in Moldavia or Wallachia, merchants only being admitted, with firmans for purposes of trade with Constantinople. The Turkish cities on the left bank of the Danube are to be restored to Wallachia, and the fortifications previously exist-

ing are never to be repaired. Mahometans possessing property, not usurped, in the cities on the left bank, shall be bound to sell it within eighteen months to natives.

The governments of the principalities are authorized to draw sanitary cordons, and establish quarantines, along the line of the Danube, and wherever else it may be necessary, and to maintain a military force for supporting them.

The Sublime Porte renounces the right of laying contributions in Moldavia and Wallachia, for the supply of Constantinople, and for victualling the fortresses on the Danube. The two provinces are for ever relieved from the forced contributions of corn, provisions, cattle and timber, which they had formerly been bound to furnish.— But, to indemnify the Sultan for the loss to his treasury, by this arrangement, a yearly tribute, independent of those called Kharadsh Idiye and Rakiabiye, by virtue of the Hatti Sheriff of 1822, is to be paid by the provinces, the amount of which, to be determined hereafter. On every fresh nomination of a Hospodar, an additional year's tribute is to be paid by the provinces.

In consequence of the abolition of the above special contributions, the inhabitants of the principalities are to enjoy free trade; to be restricted only by the Hospodars, with the consent of their Divans; freely to navigate the Danube

with their vessels, provided with passports from their own governments; and to proceed to the other Ottoman ports and harbours for trade, without suffering persecution from the collectors of the Kharadsh, or other oppression.

The Porte consents, to remit the annual tribute from the two principalities, from two years after their evacuation by the Russian army.

Finally, the Porte promises, to confirm every administrative measure decreed during the occupation of the provinces by the Russian forces, *in conformity to a wish expressed in the assemblies, of the principal inhabitants of the country*; and these decrees, are to serve as the basis of the internal administration for the future, provided they do not infringe upon the rights of sovereignty of the Porte.

By a subsequent separate act, the indemnities stipulated by the eighth and ninth articles of the treaty were agreed to be paid by instalments, the first in four increasing payments at short intervals; the second in ten annual payments. On the first payment of the portion of the smaller sum, the Russian army were to retire from Adrianople; on the second, to recede beyond the Balkan; on the third, to re-pass the Danube; and on the fourth payment, to evacuate the Turkish territory.

Such was the treaty dictated by the Emperor Nicholas to an enemy,

whose powers of resistance against him, were extinguished. For the first time since the Hegira, the standard of the prophet was prostrated in the dust. The city of Constantinople, and the empire of the Osmanlis were vanquished.—It would have been as easy for Nicholas to have re-consecrated the church of St. Sophia, as it had been for Mahomet the Second to convert it into a mosque. The Sultan and his Kaliphat were in the reach of his hand. In the history of the world, there are few examples of the forbearance, with which the victor permitted his commanding general to sign the peace at Adrianople.

But this was strictly conformable to the declaration, with which he had commenced the war. He had disclaimed all purposes of aggrandizement. He had promised to meet with a welcome reception, any overtures from his adversary during the progress of the war, and the promise was faithfully performed. For this forbearance, he obtained no credit with his allies. On the contrary, they were the first to clamour against the rigour of the terms which he had imposed.—They were quite shocked at the amount of the indemnities exacted, to cover in part the expenses of the war. They shuddered at the securities required for the future protection of Russian subjects in the Ottoman dominions, by placing

them under the jurisdiction of their own ministers and consuls. They took umbrage even at the article, by which the Sultan acceded to the treaty of 6th of July, 1827, and to the protocol of 22d March, 1829, to which they themselves were parties.

It has been said, on the other hand, that some dissatisfaction was manifested in Russia, that the career of victory was arrested short of Constantinople. The fact is perhaps, to be regretted, as it regards the cause of Christendom, and of humanity; but it affords a signal proof of the Emperor's faithfulness to his word, the most illustrious of the qualities that can adorn the character of an absolute monarch. In the declaration at the commencement of the war, perhaps the emperor gave too ready a pledge to the jealousies and invidious fears of his allies;—but having given it, the fulfilment of its promise was due no less to his justice than his magnanimity.

The consequences of the treaty are to be the disclosures of future time. But we have ill read the lesson of history, and ill observed the condition, conduct, and principles of the several parties to this great conflict between the divisions of the globe and the elements of the moral world, if this Russian and Turkish war for the independence of Greece (for that is its true character) be other than the first.

act of a drama, which shall change and improve the destinies of man. This is a theme on which to exclaim,

Oh ! for a muse of fire, that would ascend
The brightest Heaven of invention.

The Ottoman empire is in the agonies of death. Virtually conquered by the green-clad nation of the north, according to the doom of her own prophecies, she has purchased a temporary peace with the invader, only to suffer internal convulsions, which she cannot long survive. Greece, Moldavia, Wallachia, and Servia, are already substantially wrested from her hands. It is not in the nature of human events, or of human passions, that the remaining European provinces shall rest quiet under that galling yoke of servitude, from which their neighbours all around them have been relieved. The struggles of the Sultan, in his extremity, to save himself by adopting the European improvements in the art of war, cannot avert the fate of his empire, and of his religion. The improvements in the art of war, like those in the arts of peace, which have raised the man of European race above the ancient, and above the Mahometan level of humanity, flow from one and the same perennial fountain, and that fountain is Christianity. The religion and the government of the Osmanlis

are indissolubly interwoven with each other. Together they must fall. That their fall may be rendered subservient to a great melioration in the condition of man, depends upon Russia alone ; perhaps upon her present sovereign. Never since the existence of the species, were higher destinies in prospect before any one individual, than *may* be reserved for him. But who shall presume to advise him ? Let him take counsel from himself. We fervently hope that he will compare the prayer dictated by our Lord and Master, which he, like every christian of every denomination, has been taught from infancy daily to repeat, with the ferocious Fatihat of the Koran ; for the whole essence of the two religions is in these two prayers. We believe he will, like his brother Alexander, find it indispensably necessary to set bounds to his deference for his European allies, who are also the *ancient* allies of the Sublime Porte, and who think the battle of Navarino an untoward event. He is at this moment witnessing more than ever the fruits of their unnatural, absurd, and exclusively selfish policy. It is for him to rise to an immeasurable height above it, by the energies of his own mind, by the consciousness of his own power, and by the duty resulting from both, of promoting the cause of christianity and civilization.

CHAPTER XV.*

GREECE.

Arrival of Count Capo d'Istrias at Egina—Appointment of the Panhellenion—Inauguration of the government—National bank—Pirates delivered up at Carabusa—Prize courts at Egina—Colonel Fabvier's expedition to the Island of Scio—its failure—Greek blockade of the Morea—The plague in the Morea—Inhabitants disarmed—Arrest of Mavromichalis, Nazos and Millaitis—Mission of four archbishops from Constantinople to the Greeks—its failure—Proclamation of the President announcing the war between Russia and the Porte—General Church attacks Vassilach—and Anatolico—Corps of Albanians at Coron discharged—Admiral Codrington proceeds to Alexandria—convention of the Viceroy of Egypt with him for the evacuation of the Morea by Ibrahim Pasha—French expedition to the Morea—Their landing—Second convention for the evacuation of the Morea by the Egyptian troops—They return to Alexandria—Navarino taken by the French troops—and Modon—Coron—Capitulation of Patras—and the Castle of Morea—Turkish Agas resist the capitulation—The castle besieged by General Maison—The Agas surrender at discretion—Sickness among the French troops—one division of them returns to France—War in the Island of Candia—in Western Hellas—Proclamations of the President Capo d'Istrias—his conferences with General Maison—with the allied Admirals—with the Ambassadors at Poros—Count Bulgari, minister of Russia to the Greek government—Mr. Dawkins, British consul general—Discontent in Greece at the limits proposed by the allies—General Ypsilanti takes Livadia and Salone—Corps of Turks defeated by Ketzo Tzavellas—Prisoners branded—Conference of 16th November, 1828, held by the ministers of the allies at London—their declaration—Mission of Mr. Jaubert to Constantinople—The Porte consents to negotiate with Great Britain and France—Conference between the ministers of the allies at London of 22d March, 1829—Protocol of that conference—Boundaries of Greece—Tribute—Indemnity for Turkish property—Independence qualified—Amnesties—Mutual armistice—Russia to be represented by the ambassadors of France and Great Britain—Sir Robert Gordon and Count Guilleminot arrive at Constantinople—Reception of Sir Robert Gordon—Conferences with the

* In the composition of this and the preceding and following chapters, use has been made of the *Annuaire Historique* of Lesur for 1828, a work far superior to the English Annual Register of the same year.

Reis Effendi—Notification that the British government disallows the Greek blockades—Fourth National Assembly of Greece at Argos—Division of Greece into 13 departments—Address of President Capo d'Istrias to the Assembly—Military operations—Vonitza taken by General Church—the castle of Rumelia, by Augustin Capo d'Istrias—Mahmoud Pasha defeated near Talanti—Thebes evacuated by Omer Pasha—Lepanto—Missolonghi—Anatolico—surrender by capitulation to the Greeks—Operations before Athens suspended—General Church resigns his commission as commander-in-chief—Peace of Adrianople—Conclusion.

IN resuming the narrative of the affairs of Greece, it is necessary to remember, that in the month of June, 1827, the national assembly at Traezena had agreed upon a constitutional form of government, and had elected Count John of Capo d'Istrias, president for the term of seven years; and on separating had appointed a temporary commission of government, consisting of George Mavromichali, John Milaittis and Gianei Naxos, to continue until his arrival. He was then at St. Petersburg, and soon after repaired to London and to Paris, exerting all his faculties to obtain from the governments of Russia, Great Britain and France, pecuniary and other assistance, for the relief of his countrymen. He had written in August from London, an address to the heads of the government and the nation, expressing his gratitude for the appointment conferred upon him, declaring his acceptance of the trust confided to him, and informing them of the measures which he had taken, and which he yet contemplated, to obtain assistance and

support to their cause. His arrival was delayed until after the commencement of the year 1828; and in the convulsive and anarchical state of the country, the party which had opposed his election were already proposing to consider the delay as equivalent to an abdication, when on the 18th of January he landed from Malta at Napoli, in the British armed vessel the Warspite. He was received with great solemnity; and a few days after, on the 24th of January, proceeded to Egina, where the temporary commission of government were then residing. They published a proclamation of that date, declaring their powers to be at an end. The President, however, after several conferences with them, and with the senate, issued a decree, naming a council of 27 persons, under the name of the Panhellenion, to share with the President the direction and responsibility of the government, until the meeting of the national assembly, which was proposed to be in April.

The proclamation was dated the 14th of February. After manifest-

ing his gratitude to the Most High for the fact that he was at length in the midst of his countrymen, and to them for the affectionate kindness with which they had received him, he assures them, that his detention from the month of May had been occasioned, by his efforts to obtain for them the immediate benefit of the supplementary article of the treaty of 6th July, 1827, and pecuniary assistance from the sovereigns who had concluded it.

He adds, that lamenting the omission of the national assembly at Traezena to confer upon the senate powers sufficient to secure the independence of the nation, and the impossibility of convening the national assembly before the month of April, to meet the intervening crisis, he had, after consulting the senate and other experienced persons, appointed a provisional government, founded upon the bases of the acts of Epidaurus, of Astros, and of Traezena. That this council, consisting of persons already honoured with popular suffrages as representatives of the nation, would share with him his labours and responsibility, subject to the future judgment of the national assembly; appealing to the history of his life, and to the favour he enjoyed in other European countries, as pledges that his only object was to bring them to a government of laws, and to preserve

them from the fatal consequences of arbitrary power.

The President then appointed Spiridion Tricoupis secretary of state, George Conduriottis minister of finance, N. Spicaldi of the interior, A. Padapoulo of justice, Andrew Zaïmis of foreign affairs, and P. Mavro Michali of war and marine.

The government was inaugurated with religious solemnities, and military parade, on the 19th of February, 1828. Their first measures were adopted with a view to the establishment of the public credit, and to the suppression of piracy. As an expedient for the former of these purposes, a national bank was constituted, the notes of which, bearing an interest of eight per cent. were to be redeemable in payment for national property, the sale of which should afterwards be authorized by the national assembly. The proclamation published with this decree, stated that the pecuniary assistance promised by the three allied governments could not be realized in time to meet the present exigency. That so long as Greece should remain in a state of apathy and inaction, under the weight of her misfortunes; so long as she suffered the enemy to prey upon her own resources; finally, so long as she should endure the shame and scandal of wretches who disgraced her flag by piracy, so long

the three sovereigns who had taken an interest in her behalf, would justly doubt the possibility of carrying into effect the provisions in her behalf of the treaty of the 6th of July, 1827. But notwithstanding this appeal to the patriotism of the Greeks, very little advantage was derived from the institution of the bank.

A nest of pirates, which had found a shelter at Carabusa, on the eastern side of the island of Candia, was shortly afterwards broken up by a small squadron of five British armed vessels, commanded by Sir Thomas Staines. Arriving upon that coast, he sent a summons to the council of Carabusa, demanding of them to deliver up to him the piratical vessels in the harbour, and the pirates in possession of them. This was refused; and he landed a detachment of troops upon the island, and made preparations for commencing a cannonade; upon which the vessels and the piratical chiefs were delivered up, and six of them were sent to Malta for trial. The city itself was occupied by a detachment from the British squadron, and afterwards surrendered to a corps of troops sent by the President of Greece, who took possession of the place.

An irregular prize court had been sitting at Egina; but as its decisions were considered not sufficiently favourable to the rights of

neutral navigation, a mixed commission was substituted in its place, consisting of members appointed partly by the Greek government, and partly by the neutral authorities. They were authorized to review all the decisions of the prize court, and to confirm or reverse them, according to the acknowledged principles of the laws of nations. These measures, aided by the vigilant co-operation of the Grecian naval commanders, soon suppressed the piracies which had become so formidable to neutral commerce.

Colonel Fabvier commanded an expedition for the re-conquest of the island of Scio. He landed in October, 1827, with about 1,000 regular, and 1,500 irregular troops, chiefly Albanians; but although there were not more than 1,000 Turks in the place, he had made very little progress in the siege, when a small Turkish squadron from Smyrna landed, on the 12th of March, under the protection of the fort, 500 men of regular troops with provisions and ammunition, and were prepared to disembark 2,000 more; which spread so much consternation among the Greek inhabitants, and Fabvier's irregulars, that he found himself suddenly deserted by the latter. They disbanded themselves, and dispersed among the mountains. He, himself, with a part of his regular troops, escaped in a small Greek flotilla, whence he

passed on board a ship of the French squadron of Admiral Rigny. The remnant of his Greek corps, found their way to Egina, where they were incorporated with a new force then organizing under the direction of the President.

There were no Turkish or Egyptian troops remaining in the eastern part of the Morea. Solyman-Bey had, about the last of February, evacuated Tripolitza, and joined the main body of the Egyptian army at Modon. On the 30th of May, the President declared the ports of Coron, Modon, Navarino, and the gulfs of Patras and Lepanto, in a state of rigorous blockade. The blockading squadron took a great number of vessels, laden with flour and warlike stores, destined for the army of Ibrahim Pasha, who took his revenge by ravaging all the regions of the Morea, around his camp.

The measures of the President were all adapted to the introduction of good order, and to invigorate the defence of the country; but they were not effected without much opposition and resistance. He had ventured upon ordaining a levy of one man to a hundred, for the regular army; and upon the appearance of the plague in some parts of the Morea, and in the islands of Hydra and Spezzia in May, he availed himself of the occasion to intercept, by regular troops, the communications between the villages, and

even to disarm the inhabitants of the country, not belonging to the regular force by sea or land. This operation was effected before the principal motive for it was perceived; and when seen through, it was too late for the attempt to make any forcible resistance. The President, however, felt himself obliged to postpone the convocation of the national assembly, and even to put under arrest the members of the preceding commission of government, George Mavromichali Naxos, and G. Milaïttis, for a protest published by them, against any measure for introducing foreign troops into Greece.

At the time of the departure of the allied ambassadors from Constantinople, in December, 1827, four Christian Greek Archbishops had been appointed, together with a civil agent, (proto-synkellos,) commissioners, authorized to propose to the Greeks, a full amnesty; inviolate respect for their property; a remission of all the arrears of tribute; new privileges for a year, in the event of their submission, and promises of good government in future. They left Constantinople at the end of February, and proceeded, first to the camp of Ibrahim Pasha, with whom they concerted their subsequent measures. He sent them by land to Napoli, where they embarked for Poros. Here they were received with the respect due to their character.—

The President gave them an audience on the 15th of June, in presence of three high naval officers of the Russian, French, and British fleets. At that conference, the rescript of the Patriarch addressed to the Greeks, by virtue of the Sultan's Hatti Sheriff, was read. The propositions contained in them were declined, as not being conformable to the treaty of 6th July, 1827 ; and the President answered them by a note, declaring the fixed determination of Greece to maintain her independence, under the protection of the three allied powers. This commission and its result bear a strong resemblance to that commission of Lord Carlisle, Sir George Johnson, and William Eden, so characteristic of the policy and morality of the British government, during the war of the American revolution.

The British commissioners had arrived in America, precisely at the time when the treaties of 6th February, 1778, between the United States and France, had been received by congress. The four Archbishops landed at Poros, just at the moment, when the Russian declaration of war against the Porte had been received by the Grecian President. On the 12th of June, he issued a proclamation to the Panhellenians, to the extraordinary commissioners of the general departments of the Archipelago, and of the Peloponessus, and to the respective commanders of the milita-

ry and naval forces, announcing this event, with certain explanatory remarks, to caution his countrymen against any erroneous impression, which they might receive from the existing state of things, with regard to their own condition. He observes that the Russian declaration makes known clearly, the motives and the object of the war between Russia and the Porte. But that the pacification and future state of Greece are guarantied by Russia, as a party to the treaty of the 6th July, 1827, under the protection of the three great contracting parties, and not by a single power. That the emperor has placed at the disposal of the Greek government, a sum of money which would furnish the means of providing for the most urgent wants of the army, the fleet, and the other parts of the public service. That this assistance was supplied, on condition that it should be used with the greatest economy, solely for the defence of the country, to repel the enemy, and to relieve the extreme distress of the people. That there was every reason for expecting that like assistance would be received from the kings of Great Britain, and of France. But that notwithstanding these important subsidies, the crisis in the affairs of Greece, was not the less difficult ; and that the only means of emerging from it with safety, would be, by proving themselves worthy of the assistance

which they had received, and were yet led to expect, manifested in their own exertions to improve the internal condition of their country.

On the 15th of June, Colonel the Baron Juchereau de Saint Denis, as agent of the king of France to the Greek government, arrived at Poros, and delivered, with his credential letter, to the President, a sum of five hundred thousand francs, as an earnest of further succours, which were to be sent with the military expedition, then preparing in France. Additional sums were applied for the redemption of Greeks, sold to slavery in Egypt; and assurance was given that the Emperor of Russia had contributed to the amount of two millions of francs, to the loan, made on account of Greece, at 5 per cent. interest.

Ever since the battle of Navarino, the military operations between the Turks and Greeks have been remarkable only for their inefficiency. General Church was not more successful than Colonel Fabvier. The managers of popular revolutions should make it a rule, without exception, never to place a foreigner at the head of their military forces. Had General Charles Lee, or Marshal Maillabois, or the Duke of Brunswick, been appointed commander-in-chief of the American armies, during our revolution, the cause of the country would have been ruined in

less than three years—irretrievably ruined for the time; and although it could not have failed to break out afresh in after days, the independence of the United States might have been deferred for half a century, and finally achieved, at an expense of blood and treasure, far heavier than was its price under the guidance of Washington. In every region of the earth, the soldier of the people will obey the supreme command only of his countrymen. General Church, after landing at Dragomestra, with four or five thousand men, disseminated in petty troops under divers leaders, had no control over them, and after five or six months of feeble attempts upon Vassilochi and Anatolico, had effected nothing. He called for the aid of a flotilla, besides that which was cruising at the entrance of the gulf of Lepanto. The flotilla came about the end of May. A new attack upon Anatolico was made—an assault attempted and repulsed, with the loss of Captain Harting, commander of a steam-vessel, who was mortally wounded. The siege was abandoned—and an attack afterwards upon Prevasa, was in like manner defeated.

The forces of Ibrahim Pasha, in the Morea, were on their part, nearly reduced to a state of inaction. A few foraging or scouting parties round his camp, formed the only exception. A corps of

three thousand Albanians, stationed at Coron, demanded their discharge, with freedom to return home through the Morea, or threatened a mutiny, for an increase of pay. Ibrahim consented to discharge them, and entered into an agreement with the allied admirals, by which they were to have a free passage across the country, to the plain of Corinth, where they were to pass the isthmus, or to embark in Greek vessels, and cross the gulf. They were to pay for their provisions, on their way, and to release all their Greek prisoners. They proceeded accordingly as far as the isthmus, without opposition ; but meeting there a Greek corps under Ypsilanti, and apprehensive of an attack from them, they marched off in the night, and took the direction of Patras. Ahmed Pasha, who commanded there, refused to admit them ; upon which, they forced their way into the city ; murdered the Pasha, took possession of the castle of Morea, which they afterwards delivered up to the Pasha of Lepanto ; and then embarked in small detachments ; landed in Epirus ; and returned peacefully to their homes.

It had been determined by the allies of the intervention treaty, that if the Turkish and Egyptian army should not evacuate the Morea, a French army should be sent there, amicably to effect their

extrusion. The Grecian blockade did not accomplish the object. The exhortations of the allied ambassadors at Corfu, and of the allied admirals on the coast, addressed to Ibrahim Pasha, were not more effectual ; his first answers being, that he could conclude nothing, until he should receive orders from his father, or the Bey of Egypt, Mehemet Ali Pasha. On the 6th of July, Ibrahim held a conference with the Vice-Admirals Rigny and Heyden, and the English commodore Campbell. He then declared himself authorized and ready to evacuate the Morea, without taking away any Greek prisoners ; but not to engage for the restoration of prisoners sent to Egypt, after the battle of Navarino, nor to surrender the fortresses in the Morea. It was then agreed, that Sir Edward Codrington, who had just been superseded in his command by Sir John Pulteney Malcolm, should proceed to treat in person with the viceroy of Egypt. He arrived, accordingly, on the 31st of July, before Alexandria, with two ships of the line, one frigate, two corvettes, and several brigs and schooners ; and sent one of his officers to the Viceroy at Cairo, to inform him of the object of his mission, and to declare, that, if the evacuation of the Morea, and the restoration of the Greek prisoners, should be refused, an imme-

diate blockade of the port of Alexandria, and of the whole coast of Egypt, would ensue.

The Viceroy repaired forthwith to Alexandria, and on the 6th of August, concluded with Sir Edward Codrington, a convention in six articles, with one supplementary, for the evacuation of the Morea; stipulating, 1. That the Viceroy should restore all the Greek slaves sent to Egypt, after the battle of Navarino—he should deliver immediately, to Sir Edward Codrington, all those who were there at his disposal; and would efficaciously use his good offices, to aid the foreign consuls in purchasing those who had become the property of individuals. 2. The Viceroy engaged to send as soon as possible, vessels of war and transports to Navarino, to take on board the Egyptian troops. 3. These vessels and transports should be escorted by French and British vessels, to Navarino, or some other port of the Morea, for the above purpose. 4. The same vessels should, in like manner, be escorted upon their return from Navarino, till they should come in sight of the port of Alexandria. 5. Neither Ibrahim Pasha, nor any officer or person belonging to his army, should take away with them, a single Greek individual of either sex, unless at their own desire. 6. Ibrahim Pasha should be authorized to leave in the fortresses of

Patras, Castel Tornese, Modon, Coron and Navarino, garrisons sufficient for their defence. By the supplementary article, the whole number of men for these garrisons, was not to exceed twelve hundred.

It seemed as if this permission to retain five Grecian fortresses, with their petty garrisons, had been purposely stipulated, to furnish some occupation and apology for the French expedition from Toulon, which was at that time about to embark for the Morea.

This consisted of an army of 14,000 men, commanded by Lieutenant General the Marquis Maison, peer of France, divided into three brigades, commanded by the Major Generals Sebastiani, Higonat, and Schneider. There were nine regiments of infantry, one of light-horse, four companies of artillery with ordnance for field, siege, or mountain; two companies of engineers, sappers, and miners, with all the

"Pride, pomp, and circumstance of glorious war," destined to take five fortresses, with garrisons amounting in the aggregate to 1200 men.

The first division of this army sailed, with the commander-in-chief, on the 17th of August, 1828; and the second, two days afterwards: both arrived, on the 29th of August, in sight of Navarino. There they found the Admirals Rigny, Heyden, and Sir Pultney Malcolm, with their respective squadrons. Ibra-

him Pasha was also at Navarino, with his troops partly there, and partly encamped in the harbour of Modon. Their embarkation had been delayed by numerous questions left unsettled by the convention of Alexandria, concerning the fortresses to be retained, the provisions to be supplied for the Egyptian troops, and the means of transportation for them. General Maison, therefore, instead of landing at Navarino, where his troops would have been too immediately in contact with the Egyptians, proceeded to the gulf of Coron, and landed his troops upon the beach in the neighbourhood of that city, where they encamped.

After much parleying and many conferences of Ibrahim with General Maison and the allied admirals, a second convention was concluded on the 7th of September, by which it was agreed that the Egyptian army should embark in two divisions at Navarino, to commence on the 9th, and to be completed as speedily as possible. The first division, consisting of 5500 men, sailed on the 16th of September, in 27 transports, accompanied by one ship of the line, and escorted by one French and two British armed vessels. On the same day, the third brigade of the French expedition, which had sailed from Toulon the first of the month, commanded by General Schneider, disembarked, and proceeded to the

camp at Patolida. This had been previously occupied by the other French brigades, whose headquarters were now transferred near to Navarino. Three weeks more elapsed before the complete evacuation of Ibrahim's army. The last division embarked with Ibrahim himself, on the 5th of October, and arrived on the 10th at Alexandria. In his intercourse with the French commanding and superior officers, he impressed them with a very favourable opinion, as well of his courtesy as of his intelligence. His compliments were not less delicate than flattering. General Maison invited him to be present at a review of the troops, at which he expressed his admiration both of the infantry and cavalry, in a manner appropriate to each of those arms. He gave as a toast at the breakfast, "All Frenchmen, but not the union of all the powers:" and he greatly perplexed some of the high officers of General Maison's staff, by the inquiry, "Why they, who five years before went into Spain to make slaves, came now into Greece to make freemen?"

No sooner had Ibrahim and his Egyptians fairly evacuated the Morea, than General Maison commenced with great formality the military and naval operations by which, with his fourteen thousand men, and the co-operation of the combined fleets of Great Britain,

France, and Russia, he was to make himself master of the five fortresses which, by the convention of Alexandria and the supplementary convention just concluded with Ibrahim Pasha himself, were excepted from the compact of evacuation.

On the 6th of October, the day after the last division of Ibrahim's troops had sailed from Navarino, Major General Higonet received orders to take a position, with a regiment of infantry and detachments of artillery and engineers, before the citadel of Navarino, and to summon the Turkish commandant to surrender. General Higonet undertook this office himself; but the Turk sent him word that he was sick. Admiral Rigny made application to him also in person, but the only answer they could obtain was, that the Porte was not at war either with France or England; that no act of hostility would be committed from the fort; but that it would not be surrendered. The order was then given to General Higonet to take the place. The sappers opened an old breach, and the French troops marched into the town, and thence into the citadel, without meeting any resistance. Sixty pieces of cannon, warlike stores and provisions for several months, were taken. The garrison of 520 men, it was agreed, should forthwith embark and return to Egypt.

A similar operation was performed the next day, at Modon, where a mixed garrison of Turks and Egyptians was commanded by Hassan Pasha and Achmet Bey. The same summons was given, and the same answer returned. The French troops, aided by the fire from an English and a French ship of the line, began to batter down the walls of the fort, when the Turks demanded a parley. Hassan Pasha and Achmet Bey came forth upon the wall of an advanced work near the gate, where Hassan told General Maison that they could not surrender the fortress, but that they knew the impossibility of defending it; and they hoped, if he should take it, he would grant them the same terms as the garrison at Navarino had obtained, to which he assented. The gates were accordingly burst open by the joint exertions of the allied forces by sea and land; and the alacrity of the sailors having been first crowned with success, Captain Maillard of the French line of battle ship the Breslaw, and Captain Maitland of the British ship Wellesley, rushed forward at the head of their seamen, and soon planted the victorious standards of their respective nations upon the walls, where they appeared in triumph in the midst of the unresisting Turks of the garrison. One hundred pieces of cannon, a garrison of 1078 men, provisions for six months, and an abun-

dance of warlike stores, attested the prowess which might have been necessary to achieve the conquest of the place.

On the same day Coron was invested by a part of the brigade of General Sebastiani. The commandant of the place, though informed of the fall of Navarino and of Modon, still thought it necessary to make some show of resistance. General Maison sent some of his sappers to scale the walls, but they were received by showers of stones, and some of them wounded. General Maison restrained his troops, impatient as they were to avenge this insult; but took his measures for a regular storm of the place. The line of battle ships, French and British, the *Amphitrite*, *Breslaw*, and *Wellesley*, were brought to bear their broadsides upon the fort. The commandant was alarmed, and after obtaining permission to send a Turkish officer to ascertain the fate of Modon, upon his return delivered up his post on the same conditions. Eighty pieces of cannon or mortars, with stores of provisions and ammunition, were found here, as at the other places. The fortifications were externally in better condition than those of Navarino, but within the walls were mere heaps of ruins.

Patras, and the castle of the *Morea*, only remained to be taken. For that purpose, General Maison had sent his third brigade, com-

manded by General Schneider, two days before the evacuation of Navarino, by Ibrahim. General Schneider, after summoning Hadji-Abdullah, the commandant, and giving him twenty-four hours to answer, immediately afterwards formally invested the place. The Pasha capitulated both for Patras and for the castle. But the Turkish Agas, who there commanded, refused to comply with the capitulation, declaring that they would sooner bury themselves under the ruins of the fort. General Schneider was obliged to commence a regular siege. The commander-in-chief, embarked, with a company of miners, and all his artillery, and 1,500 men, in the squadrons of Admiral Rigney, sending on two regiments of infantry, and his light-horse, by land. On the 23d of October, he landed before the castle, and erected several batteries to assail it, both in front and flank. The seamen of the allied squadrons here also performed their part in the works. On the 30th of October, at six in the morning, the batteries were opened; in four hours, a sufficient breach was made. The assault was rendered unnecessary, by the appearance of a flag of truce, and the white flag upon the walls. General Maison refused to grant a capitulation, but threatened to put the whole garrison to the sword, if the place should not, in two hours be surrendered at discretion. He al-

lowed to the Agas, only half an hour to open the gates and appear before him without arms. They submitted, and the General, in the name of the allied powers, took possession of the castle. The garrison was well treated; but to punish the officers for their resistance to the capitulation of Patras, General Maison required the surrender of their arms; and distributed among the superior officers of the French and British forces, a number of costly sabres and yatagans.

There were at Patras and in the castle, about 2,500 persons, Turkish families, whom, at their own desire, Admiral Rigney sent in twelve vessels, to Smyrna;—and from that time, there was not a single Turk, Arab, or Egyptian, in the Grecian Peloponessus.

The object of the expedition, their expulsion, having been then accomplished, the French troops took up their quarters in the places rescued from the Turks; General Maison, with Generals Durrieu, and Sebastiani, at Navarino and Modon; Generals Higonet and Schneider, at Patras. Here, in their quarters, the surviving troops had the opportunity of recovering from the diseases, which the climate and the season had brought on them, and which, in the course of two months, had carried off five or six hundred of their men.

The object of the expedition ha-

ving thus been effected, measures were taken for withdrawing the French army from the Morea. One of the three divisions embarked, with all their sick, and all whose term of service had expired, on the 29th of December, commanded by General Higonet, and returned to France.

The war between the Turks and Greeks, which had thus, by the intervention of the allied powers, been de facto suspended in the Morea, was in the mean time, rekindled with great violence in the island of Candia. The Greek government sent a flotilla with about one thousand men, to aid the Sphakiots, Greek mountaineers of the southern part of the island, who had risen in insurrection against the Turks. Hadschi Michali, commander of the Grecian troops, had occupied, and fortified with intrenchments, the castle of Franco-Castello on the sea-shore. Mustapha Pasha, the Turkish commander, with a force of 3000 men, part reinforcements from Egypt, and part Candiots, marched against the castle, and took it, after a bloody conflict, in which Hadschi-Michali killed several Turks with his own hands, and finally fell, with four hundred of his men. The rest capitulated, and were sent home in two Greek schooners, which had been cruising near the island. The Pasha, in returning to Retimo, was attacked by the Sphakiots in the defiles of Apo-

koron, and left 500 of his men, and all his baggage. This was followed by other bloody actions, and by the massacre of more than one thousand Christians, without distinction of age or sex, at Candia, Retimo, and the eastern parts of the island. These cruelties, instead of quenching, spread wider the flames of the insurrection, and gave rise to spirited, but fruitless remonstrances from the ambassadors and admirals of the allied powers.

In western Hellas, a new and fruitless attempt was made upon Prevesa. A flotilla of thirty-five sail, including two schooners, two steam batteries, and several brigs, commanded by Captain Passano, were to have entered the gulf of Arta, and to support General Church's troops, destined to attack, in two separate divisions, Prevesa on one side, and Vonitza on the other; but the project failed. Captain Passano's flotillas wasted their ammunition in a cannonade, without venturing to enter the gulf; and General Church resumed his positions, to await the effect of achievements and negotiations in other quarters.

The President, Capo d'Istrias, by a proclamation dated the 26th of August, 1828, gave notice of the expected arrival of the French army, of which he had been informed by a letter of the 12th of that month, from the French minister of foreign affairs.—That the object of this ex-

pedition was to force Ibrahim Pasha to evacuate the Morea.—That this had been agreed upon by the three courts, parties to the treaty of 6th July, 1827; and that as circumstances did not permit the courts of London and St. Petersburg to furnish their contingents to the expedition, the king of France had taken it wholly upon himself.

Another circular of the President, addressed to the Panhellenion, and to the commissaries extraordinary of the general departments, informed them that he had received a letter from Mr. Stratford Canning, Count Guillauminot, and the Marquis Ribaupierre, dated the 13th of August, 1828, at Corfu, announcing that they had received orders from their courts, to open communications with the Greek government, for the purpose of carrying into execution the treaty of the 6th of July, 1827; and by means of preliminary conferences of preparing the elements for the pacification of Greece, conformably to the bases agreed upon by that treaty.

In order to be ready for entering upon those conferences, the above plenipotentiaries had requested certain statistical information, which the president declared he had since the preceding month of February, been constantly endeavouring to collect; and which he invites those to whom his circular is addressed, to furnish him, as soon as possible,

and as authentic as it could be obtained. The points of inquiry specially indicated, are, 1. In the parts of Greece which have been the theatre of war, what has been, and what is the proportion between the Greek and Turkish inhabitants? 2. What is in those provinces, the proportion between the landed property of the Greeks, and of the Turks? 3. What is the proportion between the landed property of the Turks, belonging to religious establishments, and to individuals? 4. What is the number of Greek citizens, now in the said provinces, and what the number of those who have taken refuge in the islands of the Archipelago, at Calamo, and in its neighbourhood? 5. What may be the fairly estimated value of the houses, plantations of trees, olive gardens, and flocks of cattle, and other objects, destroyed by Ibrahim Pasha, since the treaty of the 6th of July, 1827.

Soon after this proclamation, issued on the 26th of August, at Egina, the president proceeded to the head quarters of the French army, at Petalidi, leaving a commission of government, to act during his absence, composed of nine persons, members of the ministry, and of the Panhellenion, and of whom his brother Viario-Capo d'Istrias was one. After conferring with General Maison, and the admirals of the allied squadrons, he repaired to Poros, where on the

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10th of September, the conferences of the three ambassadors had been opened upon the question of the independence, and the boundaries of Greece. Shortly afterwards arrived, in a Russian man of war, Count Bulgari, as minister of the Emperor of Russia, to the Grecian government. This diplomatic recognition, was the first formal acknowledgment of Grecian independence. It was soon followed by the arrival of a Consul General, Mr. Dawkins, from Great Britain.

On his return to Egina, the 25th of October, he found the people rejoicing for the evacuation of the Morea by Ibrahim Pasha, but somewhat alarmed at the rumours in circulation, of the narrow limits, which it was apprehended the allied powers were disposed to give to Greece. It was understood that the three ambassadors had declared to Count Capo d'Istrias, that the Morea, and the Cyclades islands were under the protection of the three courts; but that beyond them, the government of Greece was advised to undertake no encroachment upon the Turkish territory.

This advice, however, was not considered by the president as equivalent to a prohibition. The military preparations of the Greeks were continued with perseverance throughout the close of the year. There were not in all Greece, more than two thousand five hundred

men, formed into regular regiments. An expedition against the island of Candia was projected, and abandoned. In the beginning of November, General Ypsilanti, with about two thousand men, marched from Megara, upon Livadia. The place was held by Muhurdar Aga, with one thousand Albanians, more ready to mutiny for arrears of pay, than to fight. He capitulated on the 18th of November, engaging with his men, not to bear arms against the Greeks during the war, and withdrew towards Zeitoum. Ypsilanti, continued his march, driving the Turks before him, to Salone, the garrison of which, consisting of eight hundred Albanians, on the 29th of November, surrendered the place upon condition that they should have liberty to march off, with their arms and baggage.

Towards Lomotico, the Chiliarch Ketzo Tzavellas defeated a corps of one thousand Turks, who lost their baggage, and were almost all destroyed, excepting about fifty prisoners, whom Tzavellas branded upon the forehead, and sent in that condition to Egina. The ambassadors at Poros, vehemently remonstrated against this cruelty, which Tzavellas had inflicted in revenge for a threat of mutilation from his Turkish adversary.

In western Hellas, General Tretzal, with one thousand eight hundred or two thousand men, took

possession of the defiles in the mountains of Agraphia.

On the 16th of November, 1828, at a conference between the ministers of the three allied powers at London, the French plenipotentiary gave information, that the direct and immediate object of the French expedition to the Morea had been accomplished, by the cessation of hostilities, and the evacuation of the country by the Turkish and Egyptian troops. Several projects were then submitted to the conference, with a view to guard the pacified country against a new invasion, when the French troops should be withdrawn. The British and Russian plenipotentiaries selected, among the projects presented, that which they thought it would be most advisable to adopt. It was then agreed, that it should be left to the discretion of the French government, whether in evacuating the Grecian peninsula, a certain number of the French troops should be left there for a certain time. That the Morea, and adjoining islands, and those commonly called the Cyclades, should be placed under the provisional guaranty of the three courts, until the fate of the country should be definitively settled in concert with the Porte, without intending, however, in any manner to prejudge the question of the final boundaries of Greece. For the determination of this ques-

tion, it was resolved to invite the Porte to a negotiation, to be commenced forthwith. And it was further concluded, that the allied courts should notify the Ottoman Porte, by a declaration which the ambassador of the Netherlands at Constantinople, should be requested to deliver; that they provisionally took the Morea, the adjoining islands, and the Cyclades, so called, under their protection.

The declaration referred to in the protocol of this conference, was accordingly afterwards delivered to the Porte, upon the arrival of the French messenger Jaubert at Constantinople, in January, 1829. After several conferences with the Reis Effendi, he received verbally for answer to this declaration, that the Porte wished for peace, and in order to establish it, desired definitively to come to an understanding with Great Britain and France; but could not admit Russia to join in this mediation. That on the arrival of plenipotentiaries from the other two powers, the Sultan would immediately appoint negotiators on his part. But that this was not to be considered as a renunciation of his rights upon the Morea; and his actual attitude towards that country was only a provisional armistice, maintained in order to give Great Britain and France a proof of his good dispositions.

The answer of the Ottoman Porte

was submitted to the three courts, parties to the treaty of 6th July, 1827, and served as the foundation for the conference of their ministers at London on the 22d of March, 1829. They agreed upon the course further to be pursued by them, which is fully set forth in the protocol of that date, signed by Prince Lieven, the Duke de Polignac, and the Earl of Aberdeen. At this conference it was agreed, that ambassadors from Great Britain and France should immediately proceed to Constantinople, and there open a negotiation in the name of the three powers, for the pacification of Greece. The first object of the proposition to the Porte, related to the boundary of Greece. It was that on the continent the line commencing at the entrance of the gulf of Volo, should proceed from thence to the head of the Othryx, and follow its course to the summit east of Agrapha, which forms a point of junction with the chain of the Pindus. From this summit it should descend into the valley of Ospropotomos, by the south of Leontis, which should be left to Turkey. Thence, traversing the chain of the Macrinoros, it was to include in the territory of Greece the defile of that name running from the plain of Oerta, and which should end at the sea, by the gulf of Ambricia. All the provinces south of this line should be comprised in the new

Greek territory; the islands adjacent to the Morea, the island of Euboea or Negropont, and the islands commonly called the Cyclades, to form a part of the new state.

It was agreed also that a proposal should be made to the Ottoman Porte in the name of the three powers, that the Greeks should pay a yearly tribute of fifteen hundred thousand piastres; the value of the Turkish piastre compared with the Spanish dollar to be determined by agreement. But in consideration of the penury to which Greece was reduced, the first year's tribute should be not less than one fifth, nor more than one third of the total tribute. And it should gradually be increased for four years, till it should attain the maximum of 1,500,000 piastres, and at that rate should be permanently fixed.

It appears by the protocol of the same conference, that the three courts had further agreed upon the following principles, with regard to the pacification of Greece.

1. That the indemnity to be paid by the Greeks to individual Mussulmen for the loss of their property in Greece, should be determined by a joint commission of Turks and Greeks; and in cases in which they should not agree, by a joint commission of appeal and arbitration, composed of commissioners appointed by the allied powers.

2. That Greece should enjoy a

qualified independence under the sovereignty of the Porte; a government, to approach as nearly as possible the monarchical forms, under a Christian hereditary prince; not to be of the reigning family of either of the three allied powers—the first choice to be made by them in concert with the Porte: at every succession of the hereditary prince, an additional year's tribute to be paid to the Porte, and in the event of the extinction of the reigning branch, the Porte should participate in the choice of a new chief.

3. Mutual acts of amnesty to be required of the Porte, and of the Greek government. And all the Greeks who may be desirous of quitting the Greek territory, shall be allowed by both governments one year to sell their property and to depart. The commercial relations between the Turks and Greeks to be regulated in future.

4. The ambassadors of France and Great Britain are authorized to require of the Porte, the maintenance of the armistice, which the Reis Effendi, by a letter of 10th September, 1828, to the representatives of the allies in the Archipelago, had declared to exist in fact on the part of the Turks towards the Greeks. The allied courts were to demand a like armistice of the provisional government of Greece; and that they should recall their troops, who had gone beyond the line drawn as above from Volo to Arta. This,

however, was not to prejudice the future question of the boundaries.

These arrangements, when concluded with the Porte, were to be placed, according to the 6th article of the treaty of July, 1827, under the guaranty of those of the signing powers, who should deem it useful or possible to contract the obligation. But the guaranty to secure the Ottoman Porte and the Greeks reciprocally from every hostile enterprise against each other, was to take effect from the date of this conference.

Russia consented not to be directly represented by a plenipotentiary at this negotiation; but the ambassadors of France and Great Britain were pledged, to conclude no arrangement departing from this basis, and to conduct the negotiation in the name of Russia, as well as of France and England. All the propositions were to be offered in the name of the three powers, parties to the treaty of 6th July, 1827; and no demand to exclude Russia directly or indirectly from the negotiation, was in any case to be admitted. The Emperor of Russia consented to be represented by the ambassadors of France and England; and they, in turn, were to consider themselves as authorized by the Emperor to treat for him as well as for their own sovereigns. The protocol of the present conference was to serve them for instructions;

and they were to receive orders to repair immediately to Constantinople, and enter upon the negotiation.

Sir Robert Gordon was shortly afterwards appointed the British ambassador to the Porte; but it was near the middle of July before he and Count Guilleminot the French ambassador, arrived at Constantinople. Sir Robert Gordon had two splendid receptions, the first on the 18th of July by the Kaimacan, in the place of the Grand Vizier; (who it will be recollected was at Shumla,) and the other by the Sultan in person on the 25th of July, at his camp at Terapia, in a magnificent tent under an old plane tree, said to have once sheltered the tent of Godfrey of Bouillon. These ceremonies were remarkable only for variations from the ancient usages of the Sultans in the reception of Christian ambassadors; particularly those of a humiliating character to the ambassador received. These would, indeed, have been quite unseasonable at that time; for in the interval between the two receptions, Diebitch had descended the southern slope of the Balkan. Sir Robert Gordon and Count Guilleminot had sundry conferences with the Reis Effendi. What progress they made in the pacification of Greece, is of little interest now; for we have seen that on the 14th of September, Diebitch signed with

the Turkish plenipotentiaries, at his head quarters, a treaty, by the 6th article of which the Sultan formally acceded to the treaty of 6th July, 1827.

The principles of the conference of 22d March, 1829, could be considered by the Greeks in no other light than as a calamity. They bore the British stamp, and disclosed an utter want of feeling for the people to be relieved. But Sir Robert Gordon upon his way to Constantinople, transcended even his instructions of the protocol. On his passage through Smyrna, he directed the British consul at that place to declare as follows :

“The Greek government having published two decrees, one of which relating to the blockade of the coasts of Attica, of Negropont and of Volo, and proclaimed the extension of this blockade to the coasts of Western Greece, the merchants of this place are hereby notified, that not only these blockades are not acknowledged by Great Britain, at a time when she is engaged in a negotiation having for its object the pacification of Greece, but that the most positive measures will be taken by the commander of his majesty’s fleet in the Mediterranean, to prevent the slightest opposition to the free commerce of British subjects, with both coasts of this continent. It must be needless to say, that the raising of the blockade of the ports

of Candia by Greek vessels, is included in this notice. The complete unlawfulness of that blockade is in full proof, since it is understood by the allied powers, that in no case whatever can the Island of Candia form a part of the future Greek state.”

From the time of the arrival of Count Capo d’Istrias in Greece, his labours had been indefatigable in organizing the different branches of the public service, and the departments of the government. The suppression of piracy, the formation of a regular military force, the institution of judicial tribunals, the establishment and maintenance of schools for mutual instruction, the formation of a system for collecting a revenue, and the providing of means of subsistence for the wretched remnants of population, which had survived the desolation of the war, occupied all his attention, and exercised his temper as well as all his faculties. Having no constitutional standard to limit the exercise of his powers, his measures were sometimes complained of as arbitrary; and in the distracted state of parties in Greece, it was not possible that his measures should give satisfaction to all, or even meet with universal acquiescence. In November, 1828, he proposed to the Panhellenion, to take immediate measures for calling together the fourth National Assembly. By a subsequent decree, Greece was divided

into thirteen departments ; seven in the Morea, and six for the Islands. The former were, Argolis, Capital, Napoli. 2. Achaia, Calavrita. 3. Elis, Gastouri. 4. Upper Messenia, Arcadia. 5. Lower Messenia, Calamata. 6. Laconia, Mistra ; and 7. Arcadia, Tripolizza. The latter were the northern, central, and southern Sporades, and the northern, central, and southern Cyclades. The assembly met at Argos ; and the president, in a long address, on the 23d of July, exposed to them the situation of the country, and the measures adopted by him since he had been at the head of the government. In this exposition he stated, that after the establishment of the Panhellenion, their first efforts had been directed to introduce a general system of order and regularity. That to this end it was considered indispensably necessary to discard all recurrence to arbitrary power ; and in the first place to attend to the army, the navy, and political economy. It proceeds thus :

“The decree respecting the organization of the regiments, the edict relating to the marine service, and the measures to establish a national bank, and a general college, were the first steps towards the regulation of the interior. The Archipelago has been freed from the pirates who infested it, and who cast unmerited infamy on the Greek navy. Our valiant

soldiers, reassembled at Troezen and Megara, are again united under their standards ; those very men, I say, who, dejected by the vicissitudes of fortune, and exhausted by fatigues and sufferings, amid the confusion might naturally have forgotten every feeling of duty. One division under the command of Admiral Miaulis, assured the free navigation of the Archipelago, and conveyed to our distressed brethren in Chios every consolation, which it was in our power to offer. A second division under Vice Admiral Sachtouri, was destined for the blockade, *which the admirals of the allied powers compelled us to abandon.*”

The address further refers to the pestilential disease, introduced by the army of Ibrahim Pasha, which, after spreading over the islands of Hydra and Spezzia, even extended its ravages to Argos and other provinces of the Peloponessus ; to the expulsion of Ibrahim Pasha and his Egyptians, by the efforts of Admiral Codrington, and the landing of the French army ; upon which it adds, that “the Greeks of the continent, watching earnestly to see the borders of the Peloponessus passed, manifested their wishes in this regard. We, ourselves, hoped to see them accomplished, *for we were far from apprehending the diplomatic act which decided it otherwise.*”

The address acknowledges, with warm expressions of gratitude, the

benefits of the French military expedition, and also of the pecuniary assistance received from the Emperor of Russia, and the king of France. It alludes, in general terms, to the conferences with the ambassadors of the allies at Poros, and to information there required and given. It says, "I deem it useless to address you concerning the causes, which have prevented the complete execution of the laws of the assembly of Epidaurus, of Astraea and Troezen. We are of opinion that the same causes will operate so long as formal treaties do not determine the boundary of the Greek territory, and our relations with the mediating powers, and with the Ottoman Porte."

The address gives also a statement of the receipts and expenditures of the government, from January, 1828, to the 30th of April, 1829. It mentions an effort made to negotiate a loan of sixty millions of francs, under the protection of the allies; and after reminding the assembly of the expectations of the country, of the allied powers, and of the civilized world, pointed at them, thus proceeds: "By comparing the past with the present, you will not find it difficult to put in practice those wise measures, which may conduct the nation to that state of prosperity which is reserved for it by Divine Providence."

From the passages here quoted,

it is apparent, that since the protocol of the conference of the 22d of March, 1829, the military operations of the Greeks, both by sea and land, had been arrested by the interposition of the allies. In January, however, General Church had taken the town of Vonitza, and the citadel surrendered about the 20th of March, by capitulation, as did the castle of Roumelia to Augustin Capo d'Istrias, the brother of the President, on the 26th of March.

On the 9th of February, Mahmoud Pasha of Livadia, with a corps of 3000 infantry, and 500 horse, attacked the Greeks, commanded by the Chiliarch Vasso, in their intrenched camp near Tolanti. The Pasha was defeated with considerable loss. Two hundred prisoners, and three Turkish standards fell into the hands of the Greeks. Livadia and Thebes, where Omar Pasha commanded, were soon after evacuated by the Ottoman troops. On the 22d of April, Lepanto surrendered by capitulation, and Missolonghi and Anatolia, on the 29th of May. After the fall of Missolonghi, 3000 men of the Greek troops, from the siege, marched to reinforce the corps then blockading Athens, which yet remained in possession of the Turks. The operations were, however, soon after arrested, in deference to the wishes of the allied powers. Immediately after the meeting of the assembly

at Argos, General Church resigned his commission as commander-in-chief of the forces of Greece.

Such was the state of things when the peace between Russia and the Porte was signed at Adrianople. "*Sistimus hic tandem.*" We here suspend our narrative. The allied powers, immediately after the peace, resumed their conferences, to determine the fate of Greece, and the result of their deliberations has not yet been made known. We have not heard, that a Grecian plenipotentiary has been admitted to participate in them; but we hope that the condition of the Greeks will not be prescribed to them without any consultation of their opinions, as well as of their interests. We believe that any settlement of the affairs of Greece, and of the Porte, founded upon the European balance of power, will last but for a day. "*Delenda est Carthago.*" The total expulsion of the Koran and its Kaliph from Europe, is sealed in the book of futurity; and to Russia alone it belongs, to break that seal. Greece will be now her powerful auxiliary to accomplish the work; and to

secure her willing aid, Russia must look to Greece, not for a man, but for a nation. She must secure, and respect, and protect her independence. The peace of Adrianople, is the signal of a great commercial, as well as political revolution. For the freedom of the Euxine, all the commercial nations are indebted to Russia alone. To these United States, this consideration is perhaps more immediately interesting than any other. Let it warn them where to look for their friends, and where to expect their foes. In the fate of Greece, they have sympathized with a feeling equally intense and disinterested. Should a monarchical government, and a foreign prince, now be imposed upon that nation, they will at least be relieved from the thralldom of subjection, or tribute to the Turks; and the day cannot be remote, when the more enlightened liberality of Russia will perceive, that Greece can never be happy, prosperous, nor grateful, without the blessing of a government, sanctioned by herself, and a free national representation.

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CHAPTER XVI.

SPAIN.

Political condition of Spain—Arbitrary and liberal parties—British policy—Camarilla—Royal volunteers—Portuguese affairs—Calamardé appointed Intendant of police—Insurrection in Catalonia—Ferdinand at Barcelona—Returns to Madrid—Removal of French troops—Debt to France—to England—Finances—American affairs—Earthquake.

EVER since the commencement of the revolutionary contest in France, the condition of Spain has been unsettled. Notwithstanding the natural barriers that divide the two kingdoms, and the striking contrast between their respective national characters, the fortunes of France have always materially influenced the destiny of Spain; though the bigotry and inertness of the people, the power of the priesthood, and the direct interference of a foreign party in her domestic affairs, have prevented the latter from attaining the degree of prosperity and civil freedom to which the former has arrived, in her political career. What improvement might have been wrought in the internal condition of Spain, had Napoleon succeeded in extending his sway over the Peninsula, is a problem, of which the national spirit of the people, jealous of foreign usurpation; and stimulated by the ex-

hortations of their clergy, did not permit the solution.

Even the improvements of the age, when coming under the countenance of a revolutionary dynasty, and supported by a French army, could not be rendered acceptable to a high-spirited nation. But the contest that ensued, though it resulted in the re-establishment of the Bourbon family upon the Spanish throne, left behind the seeds of new revolutions. The empire of Spain was no longer, what it was when the sun never set on her possessions. Her former colonies were now independent states, and rather the cause of additional expense, than the source of an exhaustless revenue to the parent country.

The disordered state of the public finances had rendered the government inefficient; and when it manifested any vigour, it was irregular, and obviously a temporary and transient effort.

The army was badly fed and clothed; the navy annihilated; and the government in all its branches, corrupt and disorganized.

Whilst this state of things rendered reform necessary, the condition of the nation was itself favourable to political changes and convulsions.

The army, the mercantile class, and indeed the inhabitants of the sea ports generally, were strongly imbued with liberal principles. Without any definite and precise notions of constitutional government, they had a strong bias in favour of free institutions. The mass of the population constituted a different party. Catholic in religion, and strongly national in their character, they were easily enlisted on the side of an absolute government, connected indissolubly with an infallible church.

In this condition, Spain seemed a fitting field for the contest between the conflicting parties which divided Europe. Their principles were here brought into direct collision.

A people deprived of the reigning family, had instituted a new government in the midst of war, and in the very face of an overwhelming enemy, by which a portion of social and political freedom, (small indeed when compared with what is enjoyed in this favoured country,) but still a portion of civil liberty, was secured to the nation.

After the victory was achieved, their sovereign, returning from a captivity which would have been endless without their glorious efforts, placed himself at the head of the government. Refusing to recognise the constitution of 1812, Ferdinand, doubtless encouraged by his apostolic advisers, overturned the government of the Cortes, and assumed the absolute power and style of the ancient monarchs of Spain.

The arbitrary proceedings which followed this usurpation, and the disorder into which his councils soon plunged the kingdom, led to a new revolution, and the constitution of 1812 was re-established in 1820.

This establishment of liberal institutions, by a popular movement, was stigmatized in the continental courts, as revolutionary; and the armies of France were put in motion, under the authority of the holy alliance, to reinstate Ferdinand in his absolute throne. The issue was now fairly made up between the opposite parties.

On one side, were the advocates of absolute power, and an infallible church. They referred to the holy gospel as the source of sovereign authority; and relied on theological dogmas, for proof of the right of monarchs to rule, and of the pope to prescribe the bounds and objects of catholic faith.

With them, the subject was but

a tool in the hands of power ; and the sovereign, deriving his authority from heaven, was accountable only to the Deity, for the manner in which it was exercised.

Human reason was degraded by this system, to a species of instinct in the lower classes, who were unqualified for meddling with church or state affairs ; and as the experience of modern times had shown how dangerous its scrutiny was to such pretensions, all attempts to improve and invigorate it, were denounced as revolutionary, and promotive of innovations and disquietude.

Education, inasmuch as it could not be prohibited, was to be confined to the privileged few, and to be under the direction of the church. The press, as a powerful engine of good or evil, was to be controlled by the government, and these sources of intelligence being placed under its supervision ; it had it in its power to poison at the fountain head, the streams of political and religious improvement.

This party, aiming at such vast and unholy designs, was in possession of the armies, the police, and the finances of the greater part of Europe. After a contest of a fourth part of a century, it had succeeded in re-establishing legitimacy in France, and in forcing back, for a moment, the swelling tide of political improvement. It was now concentrating its forces to preserve

the power, which it had for so many centuries abused, and to check and repress the rising spirit of the age.

On the other side were arrayed the friends of freedom, and the supporters of liberal institutions. This party, which might claim kindred with the master spirits of antiquity, could prove a direct and immediate affinity with the protestant reformers of the 16th century. Since Luther questioned the infallibility of the papal church, it had constantly ranged itself on the side of the oppressed. It had boldly attacked the prevailing abuses both in church and state, and was slowly but gradually extending itself among those, who groaned under the evils which flowed from the exercise of unchecked and irresponsible power. The religious and political system of this party was in opposition to the doctrines of the papal church, and to the feudal institutions of the continent. Regarding man as a free and moral agent, it required him to judge and act for himself. It rejected all infallible authority, as of human invention. Reason was bestowed upon man as his guide ; and conscience was given to him to warn and correct. All political authority was delegated for the benefit of the governed, who might, whenever they pleased, call their rulers to a strict account.

These principles are directly opposed to those of the ruling party,

and from their very nature, must always wage unremitting and constant war upon all institutions, which are not based upon the unalienable and imprescriptible rights of man.

The French revolution, in all its phases, was but the necessary consequence of open and uncompromising hostility between these parties; and though its results were not exactly what could have been wished, still no one can doubt that the condition of France is vastly improved by the tremendous political convulsions to which it was then subjected. Its success was but partial, because the wild ambition of Napoleon roused the public opinion of Christendom against him, and arrayed even the oppressed, under the banners of the oppressors, against the armies and designs of France.

The revolution in Spain, in 1820, was an effort on the part of an enlightened minority of the nation, to prevent the re-establishment of the ancient system of tyranny and bigotry, which was manifestly the intention of Ferdinand and his advisers, and to avert, if possible, the impending ruin of that beautiful kingdom.

This effort was unsuccessful, because the arbitrary principles of Count Metternich and the French ultras, then predominated in the councils of the holy alliance at Verona, where it was determined to restore the ancient order of things

in Spain, "because," as it was declared in the Laybach circular, "every change which does not solely emanate from the free will, the reflecting and enlightened impulse of those whom God has rendered responsible for power, leads to disorders more insupportable than those which it pretends to cure."

To this determination, the Spanish constitutionalists could oppose only a feeble and ineffectual resistance. The people of Spain were divided in feeling: Ferdinand and all his adherents, though apparently acquiescing, were in reality, inimical to the new constitution, and the governments and armies of the continent, were in the hands of the absolute party.

England, it is true, dissented from her allies on this occasion. But although she was not able to co-operate with them in putting down the Spanish constitution, she was equally unable to make any effectual opposition to their designs. Her position between those contending parties was equivocal, and her conduct, being occasionally influenced by conflicting principles, was vacillating and unsteady.

Professing the Protestant religion, it recognised the king as the head of the church. Denying the infallibility of the Pope, it did not carry out the principle to its consequences, and admit the right of private judgment; but sustained by a system of pains and penalties, the

church and its peculiar ceremonies and tenets, as of divine institution, as well as part of the machinery of the government.

Admitting the principle of popular representation, it degraded its origin by deducing it from royal grants; checked its power by the establishment of an hereditary aristocratic branch of superior dignity, and of equal authority; and corrupted its character by the introduction of mercenary boroughs.

Even the reigning family, although brought in by a revolution, claimed by the right of descent from the same ancestors as the Stuarts, who were regarded as abdicating the crown, for the recovery of which they had three times disturbed the kingdom by civil wars. The existence of these contradictory principles in the constitution of the British government, were, of themselves, sufficient to prevent it from pursuing a consistent policy, and explained many apparent inconsistencies in the political course of that cabinet.

To its commercial system, however, may be referred most of the measures, which Great Britain has adopted with the view of maintaining the ancient order of things.

This system is one series of monopolies, and devices to appropriate the trade of the world; and its influence is controlling over the policy of the government.

To the movements of France in

Spain, the government was therefore unable to make any open and effectual opposition, and was compelled to witness with cold disapprobation the overthrow of the Spanish constitution by foreign bayonets.

It better suited the purposes of British diplomacy, to gain its share of the commerce of the new Spanish republics, and in the language of the late Mr. Canning, "to look at the Indies, and to call a new world into existence to redress the balance of power." The recognition of the independence of states, which, with, or without that recognition, were independent in fact, and were dispensing the profits of their trade to all countries trading with them, was productive of substantial benefits. Like charity, it brought with it its own reward. The contest in Spain was for a principle, dear to the cause of freedom, and essential to the independence of nations, but unproductive of gain to British commerce, and not immediately connected with British interests.

When a similar attempt was made to overturn the constitution of Portugal, though with less boldness, and rather under the guise of aiding the disaffected and rebellious Portuguese, than in the shape of open war; the cabinet of St. James determined that it was a fit occasion for the interposition of England, and that the new and

liberal institutions of Portugal ought to be sustained by the armies and fleets of her ancient ally, against all foreign interference.

The British minister then saw, in the discontented subjects of her continental neighbours, a tremendous power, to be wielded by England against every nation with which she might be at variance. This power, however, he said, he did not intend to use at that time. "Our business," he observes in his speech on the affairs of Portugal, "is not to seek out opportunities for displaying it, but to keep it, so that it may be hereafter shown, that we knew its proper use, and to shrink from converting the umpire into the oppressor :

— Celsa sedet Eolus arce
Sceptra tenens; mollitque animos et temperat iras.
Ni faciat, maria, ac terras cœlumque profundum
Quippe ferant rapidi secum, verrantque per auras."

The bold and imposing attitude assumed by England on this occasion, was not long maintained.

The tories of England were hardly less shocked than the ultras of the continent, at the bare suggestion of her becoming the head of the revolutionary party of Europe. They regarded this intimation of Mr. Canning's as an overt attempt to slip the leash of the revolutionary furies of war and an-

archy, to subvert monarchical institutions.

They probably too remembered that in their own wide-spread empire, the seeds of discontent were as thickly sown as in the dominions of their European neighbours. Millions of enslaved and oppressed subjects in India, groaning under the galling yoke of a mercantile despotism; the colonists of the Canadas, and of the West Indies, shut from their natural market, by a strict commercial monopoly; and the catholics of Ireland, remonstrating against the denial of their long withheld natural rights, in tones which were obviously the precursors of decisive and violent measures, afforded ample means of retaliation to the enemies of England. Her own government was not placed on such a stable foundation, that it could dispense with the supports of prescriptions, and ancient usage. It leaned upon the prejudices, as well as upon the interests of the British nation. In a general war of opinions, when all the political elements of society were in commotion, the constitution of the fast-anchored isle might be exposed to as much danger, as the simpler and more arbitrary governments of the continent.

Influenced by considerations similar to these, the successor of Mr. Canning determined to stop short in the career in which the govern-

ment had adventured, when impelled by the bold and original genius of the late premier.

The assistance afforded to the constitutionalists was directed to be strictly confined, to the prevention of foreign interference by open force. The discontented Portuguese were to be at liberty to overturn the constitution; and the Spanish government, and the ultras and apostolics, might afford them any indirect aid in their power. This hesitation on the part of England, encouraged the absolute party to proceed in their designs. Their objects were simple, and their course was plain. So long as Spain did not directly appear in the field, England would remain neutral. Her object was not the maintenance of the Portuguese constitution; although it was obviously of British origin; but to preserve her faith with her old ally, by protecting her from the arms of Spain.

But although Ferdinand and his advisers could not, without exposing themselves to a war with England, openly attack the Portuguese government; they might safely foment internal dissensions, and excite rebellions among its subjects. The object, viz. the re-establishment of absolute power, might be as certainly effected, although the honour of the achievement must be left to the inhabitants of Portugal.

Every assurance was therefore
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given to the British minister of the pacific intentions of Spain, and of her determination to prevent the organization of armed expeditions against Portugal, within her territories; and at the same time the Portuguese rebels were protected and countenanced, and their character and designs eulogised in the public despatches of the government.

The emigration of Portuguese troops into Spain, was imputed to their disaffection to the constitution, and their ardour and exalted sentiments were spoken of, as worthy of all respect. The old device of a cordon sanitaire on the frontier, was resorted to, and an army under the command of General Sersfeld was stationed on the Tagus, at Talavera, and another, under General Rodil, in Estremadura, between Badajoz and Alcantara to preserve Spain from hostile contagion, and also to encourage, and indirectly countenance the levies of Chaves.

These two armies were paid and maintained by church funds, and by liberal contributions from the ecclesiastics. These zealous supporters of the papal church, regarded these armies as assembled more with the view of restoring the ancient order of things in Portugal, than of defending the Spanish frontier; and they knew that their presence alone would give countenance to the malcontents.

They also intended, with reference to the domestic affairs of Spain, to render the troops dependent upon the church for their supplies. The constitutionalists, although dispersed and scattered, were to be found at home, as well as abroad. A large portion of the nobility, and the inhabitants of cities, and especially of the sea-ports, belonged to this party. It was desirable to place Spain beyond the reach of all attempts at innovation. They therefore, in addition to the organization and maintenance of these armies, contributed to the support of the royal volunteers, amounting in number, to 350,000 men. This body, maintained at an annual expense of \$12,000,000, is better armed and disciplined than ordinary militia, and constitutes the body guard of the church. It is composed of fanatics in the country villages, and of the refuse population of the cities and sea-ports; and extending itself throughout the kingdom, forms at once, a voluntary police to repress domestic attempts at revolution, and an army to repel foreign interference. The fanaticism of its members, secures the fidelity of this corps to the church; but besides this bond, it is also dependent upon it for pay and subsistence, as well as for protection against the liberals, whom they have exasperated by numberless acts of oppression and violence. Their only hope of security consists in

perpetuating the present condition of affairs, and they unhesitatingly follow the guidance of the priests, and secure the predominancy of that party. The peasantry, too, brave, vindictive, impatient of control, but blindly devoted to their spiritual teachers, though spurning all foreign interference, are under the same influence, and give to it a powerful and popular support.

Indeed, the Spanish clergy forms the dominant body in the kingdom, which directs every thing, and controls the movements of the government. It is wealthy, and every day adds to its possessions. Its numbers are great; there being, besides nuns, servants, singers, &c., more than 100,000 monks and seculars. A body like this, acting, as it were, with one mind, and governed by one will, must exercise a powerful influence over the affairs of the kingdom. It forms a sort of masonic society, acting in secret, and with that unity of will and sentiment, which results from a common interest, and implicit obedience to its spiritual head.

It is asserted that the various branches of the public service are assigned to different individuals, and that as complete intelligence is obtained for the use of the spiritual bureau at Madrid, as at the office of the minister of foreign affairs. Indeed, this capital was the seat of a double government. Ferdinand and his ministers, ostensibly admi-

ministered the government, but the Camarilla of the apostolics, with M. de Calomarde at its head, exercised all the substantial authority.

The king, who, with great powers of dissimulation, is rather weak than vicious, and whose great foible is too much facility of disposition, possessed all the symbols of power; but the apostolic party enjoyed the reality. It paid the army, and in return, controlled it. The officers of the government were accustomed to receive orders from its representatives, of an opposite tenor from those issued by their royal master, and they felt secure in yielding obedience to the former.

The views and principles of this party went very far beyond the bigoted and fanatical and arbitrary policy of the court. They were exclusively directed to the aggrandizement of the church; the restoration of its revenues, and the re-establishment of the inquisition in its pristine authority. Politics, with them, were but the means by which these ends were to be obtained; and their political system was that of pure, unmitigated arbitrary power. That portion of the cabinet which did not also form a portion of the Camarilla, possessed no special regard for civil liberty, but it was jealous of ecclesiastical supremacy. They were not unwilling to extirpate the seeds of revolution, by the ordinary expedients adopted in despotic go-

vernments; and they had used the dungeon and the scaffold, with no sparing hand; but they feared that the restoration of the inquisition to its ancient rights, would diminish their power. They also knew that upon the re-establishment of that body, claims would be urged for the restoration of its property, which, upon its abolition, had been appropriated by the crown. They hesitated, too, in their policy to be pursued towards Portugal. They hated the liberal institutions established by Don Pedro in that country, with as much cordiality as the apostolics themselves; but they were not inclined to plunge the kingdom into a hopeless war with England, with the view of conferring upon Portugal the blessings of unmixed despotism.

The apostolics, on the contrary, blinded by fanaticism, were even willing to risk a war to subvert the Portuguese constitution; and the restoration of the revenues of the inquisition was one of the chief objects of their desire. The principle of this party was therefore, one of opposition to the policy of the government. They were clamorous for the establishment of a sterner despotism than that of Ferdinand, and they had already organized a rebellion in Catalonia, having for its object the restoration of the rights of the church; the delivery of Ferdinand from his advisers of the moderate party, or the

elevation of Don Carlos to the throne in the place of his brother, as better fitted to be an instrument of bigotry and intolerance.

Don Carlos has always professed to be a zealous son of the church, and being naturally of a cruel disposition, and fanatical and sanguinary temperament, he is the idol of the priests, who regard him as a worthy successor of Philip II. To elevate him to the throne, this rebellion had been instigated, and the whole mass of the clergy, from the archbishop to the curate, had been actively engaged in preparing among the peasantry the materials of an insurrection, whose object was a more severe and intolerant government than even that, which then oppressed the energies of Spain.

The history of mankind does not furnish a greater perversion of the right of the subject to resist established authorities, than the rebellion in Catalonia, in 1827. It was a civil war for the restoration of arbitrary power to the government, and the re-establishment of the inquisition, with all its attendant and indescribable horrors. It was a popular movement against the rights of conscience, and civil and social freedom; and afforded a melancholy illustration of the debasing and withering influence of an intolerant, ignorant, and fanatical priesthood, over the human heart. This rebellion, of which an

account is to be found in the second volume of this work, did not succeed in expelling Ferdinand from his throne; nor were the apostolics more fortunate in their attempts to re-establish the holy office. They however succeeded, as a sort of compromise, in placing M. de Calomarde, the head of the Camarilla, at the head of the department of police.

M. Recacho, the former superintendant general, although he had directed all the severe measures taken against the liberals since the overthrow of the Cortez, was regarded as one of the moderate party. He had occasionally relaxed some of the indiscriminating denunciations of the government, and he had sometimes suspended vexatious prosecutions for political offences. His chief crime, however, was that he maintained the civil authority of the crown, and resisted the extravagant demands of the fanatics. The means of obtaining information, which his department gave him, enabled him to detect and expose their real views and character, and to prove the connexion of the Camarilla with the malcontents in Catalonia. He had displayed more activity in defeating their plans than was agreeable to them; and it was plain that he was unwilling to hazard the ruin of the kingdom, in carrying into effect the projects of a frantic hierarchy.

It was therefore necessary to re-

move him from the department of police; and the imbecile and wavering monarch whose views he had so faithfully promoted, was easily prevailed upon to sacrifice him to the intrigues of his opponents. In the beginning of August, 1827, his dismissal was announced to him, and he was directed to retire into Oviedo in Asturias. Having with difficulty escaped from the rage of the populace and volunteers at Madrid, and having received information that the appointed place for his residence was equally dangerous for the moderates, he determined at once to quit the kingdom, and was fortunate enough to reach in safety the frontiers of Portugal.

His office was suppressed directly after his departure, and the police itself was incorporated with the department of Grace and Justice, over which M. de Calomarde, the head of the Camarilla, presided.

The ostensible motive for uniting these departments, was to diminish the public burdens; but the effect of the union was to concentrate all the official power of the government in the hands of those who wielded the authority of the church, and who had hitherto indirectly exercised, though with occasional checks, the temporal power of the crown.

They now could prosecute their designs without impediment. It was soon discovered that a new

and more rigorous spirit was controlling the police. Ordinances against suspected persons, which had long slumbered in quiet, were revived; individuals who had been safe under the old superintendant, were arrested; and a commander of guerillas, General Anoro, who had been imprisoned since 1823, and who was probably forgotten in his dungeon, was brought forth in the light of day to expiate on the scaffold an old political offence, in which one half of the Spanish people had shared.

An addition of 24,000 men had been authorized to be made to the cordon sanataire early in the year 1827; and with this increase in the regular army, the complete organization of the royal volunteers, and the concentration of the powers of the police in the hands of the apostolics, they now felt strong enough to dispense with the French troops who had so long garrisoned some of the fortified towns, and at the same time to support by indirect means, the absolute party in Portugal. An active correspondence was accordingly kept up with Don Miguel, and the protection of Spain was promised to him, in case of his failure. The British minister at Lisbon interposed some obstacles to the execution of their plan; but the opposition of his government, being founded on no principle, was unsteady and lukewarm; while their hostility was

active, uncompromising, and thorough. Great Britain confined her defence within limits, over which the enemies of the charter needed not to pass in order to destroy it.

In such a contest there was no equality; and the friends of free institutions in England, were compelled to witness the subversion of the constitution of Portugal by the intrigues of Spain, in the very face of her fleets and troops, attended with the entire loss of her influence over her ancient ally, at the moment when the tory party was watching with no less anxiety the humiliation of her other ancient ally—the Ottoman Porte, by the arms of the christian emperor of the Russias.

Spain had the gratification of triumphing in this contest for liberal institutions, over the influence of England; and by that triumph, she rendered her own condition more helpless and pitiable, than the least powerful of her late trans-Atlantic colonies.

Of all those vast possessions on which the sun never set, nought remained but some straggling islands. Her navy, which once disputed the empire of the seas with England, was now reduced to a few ships, unable to cope with the hastily equipped vessels of her former colonies.

Her army was only maintained by a fanatical spirit, and was rather an instrument of ecclesiastical po-

lice, than of national defence. A day of solemn retribution seemed to await the proud monarchy of Spain. The spirit of bigotry and of monopoly, which had governed her councils, had prepared a cup which she was now draining to the last dregs of bitterness.

Out of the Peninsula, her influence was unknown in Europe, and at home, the inactivity, in every branch of industry, and the death-like stillness that prevailed through the kingdom,—a stillness only disturbed by the movements of bandit guerillas, showed that the spirit of destruction brooded over the land.

The insurrection in Catalonia was now over; and the punishment of the rebels by the gibbet, and the gallies, without compunction, had intimidated the rebels, and taught the fanatical priests, who had been prominent in instigating them, the danger of anticipating the wishes of their superiors.

We left Ferdinand last year on the theatre of insurrection, where his presence was deemed necessary to quell the revolt, ostensibly set on foot to augment his authority.

Whilst engaged in the pacification of the province, by decrees of amnesty, which were not observed, and by executions and arrests, which were carried into full effect, he was joined by his young queen, who became somewhat impatient at his protracted stay.

She arrived at Valencia the latter part of October, and after sojourning a month in that city, proceeded with her royal spouse to Barcelona. Their entrance into this city was intended to make an impression on the public mind; and if fetes, and processions, and the shouts of a fanatic populace, could be regarded as conclusive indications of grateful joy, Ferdinand, indeed, was the beloved monarch of Spain.

By an arrangement with the government of France, that portion of the army of occupation, which had been stationed at Barcelona, was withdrawn; and on the 28th of November, 1827, the French commandant surrendered the exterior posts to the Count de Villemur, who assumed the command of the city. The French troops returned to their own country, accompanied with the regret of the inhabitants of Barcelona. Indeed, many of them, rather than expose themselves to the vengeance of the apostolic party, departed from Spain with these troops, who came as enemies; but under whose military supervision, they had experienced greater tranquillity, and happiness, than they hoped for under the civil rule of their own government.

This apprehension was well founded. While the evacuation was going on, the Spanish officers who entered the town were warned not to have any communication with individuals suspected of enter-

taining constitutional sentiments; and on the 3d of December, when their majesties were about to enter the place, handbills were affixed to the public buildings warning all, who, under the *fatal reign* of the constitution had been deputies or public officers, to seize the moment still permitted them, to escape from punishment. This intimation cast terror into the minds of many, who were prepared to celebrate the restoration of the town to her ancient sovereigns and more than three thousand fled from the place, as from a city afflicted with pestilence.

The next day, however, when the royal pair entered Barcelona, every demonstration of joy was manifested by the remaining inhabitants. They traversed the city in a triumphal chariot, drawn by twelve persons clad in white, and attended by an immense crowd of citizens, to the palace prepared for their reception.

Here they were publicly congratulated by the magistrates. Ferdinand, being a titular canon of Barcelona, took possession of his prebend, and received the arrears for six years, and five hundred ounces of gold. In the evening the city was illuminated, and as if intended for a covert sarcasm upon the character of the deliverer monarch, an allegorical transparency applied the *veni, vidi, vici*, of the conqueror of Gaul, to the imbecile and priest-ridden Ferdinand. The

king being now temporarily established in his royal palace, occupied himself in pacifying that part of his dominions, in his own peculiar manner. The promised amnesty was not regarded, having been rejected in the council of state by the Carlist party.

A military commission at Tarragona, was constituted to inquire into the causes of the rebellion; and though the laity on that commission differed from their clerical colleagues as to its causes,—they attributing it to the intrigues of the church, while the others charged it upon the too great moderation of the government; there was no great difference of opinion, as to the kind of means to be employed to eradicate its seeds. Severity, of course, was to be resorted to; and though the priests were obliged to acquiesce in the punishment of some of their instruments, they felt compensated by the tone given to the government, in which they were fully assured of preserving their full share of influence.

The Count d'Espagne, with most admirable impartiality, caused all, whether constitutional or apostolic rebels, to be shot without distinction. Among others, the notorious Boshams Jeps del Estanys, shared the fate due to his fanatical treason.

This brigand had fled into France, upon the dispersion of his forces in the latter part of 1827,

with the view of waiting a favourable moment to resume his projects.

Towards the end of January, 1828, he left his asylum, either from fear of being delivered up, or because he thought the severities of the court against the apostolics had exasperated the country, and re-entered Catalonia. Troops were immediately despatched against him, and, after at first escaping from his pursuers, who followed him from mountain to mountain, he was finally taken on the frontier between the two kingdoms, by Mirasol, an aid of the Count d'Espagne.

The capture of this individual, known for forty years in Catalonia as a guerilla,—seventeen times arrested for offences which would have brought him to the scaffold, had not his services to the cause of royalty shielded him, produced great excitement at court, where it was supposed, that Boshams was in possession of documents proving the part taken by many, then in favour, in instigating the late insurrection. Some surprise was expressed, that he was not at once shot, as one taken in flagrant rebellion; and not a little alarm was manifested, when it was understood that one of the magistrates of Barcelona had gone to take his confession in prison. Whatever may have been the nature of his revelations, they were not deemed of sufficient importance to save his life; and the consternation at court,

soon subsided, upon hearing that he was shot with three of his companions, on the 13th of February, as traitors. That he was deserted by his coadjutors, was too manifest from his conduct at the place of execution, where, although a zealous catholic, he showed the greatest aversion to the attendant priests, and refused all ghostly comfort at their hands.

By these severities, the court extinguished rebellion, although the province was rendered discontented, and abounded with brigands and bandit guerillas.

After the dismissal of the Villèle cabinet in France, a more moderate course was pursued, and the Canon, Avella, the chief of the Catalonian apostolics, and President of the society of the exterminating angel, who now began to enjoy great influence at court, interposed to protect many of the misguided agents in the late rebellion.

Ferdinand continued to reside, with his queen, at Barcelona, until the 9th of April, when he commenced his return to Madrid. His progress through the provinces was slow; and in the various towns, in the larger of which he made a short stay, he was received in a manner which indicated that a large portion of the people were either ignorant or insensible to the evils which his bigoted misrule had entailed upon his kingdom.

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His entrance into Madrid on the 11th of August, was celebrated by spectacles, bull fights, illuminations, fire-works, and cries of long live the king, the pacificator.

If the quiet of moral and political death may be deemed peace, then Ferdinand deserved this title. Spain was pacified, and continued in that state, with but two interruptions, until the termination of our present history. Some symptoms of an insurrectionary spirit were manifested in Catalonia, upon the triumph of Don Miguel's party in Portugal; and a revolt took place among the gardeners at Saragossa, on account of the clergy's demanding a tithe of their vegetables.—The former was quelled by Count d'Espagne with his usual severities; and the latter was more easily pacified by an order of the Captain General, St. Marc, exempting the gardeners from the odious exaction. Catalonia, Arragon, Valencia, and Murcia, were disturbed by bands of armed men, plundering travellers, and occasionally attacking villages; but no organized insurrection breaking out, the kingdom was deemed in a state of tranquillity.

Arrangements had been made with the French government, for the entire withdrawal of the army of occupation, during the year 1828. The evacuation of Barcelona took place as already stated; and in the month of September, the garrison

of Cadiz, and the isle of Leon, commenced their homeward march. Before the 1st of December, the French troops had all returned, leaving Spain in debt to the French government 80,000,000 francs, for the expenses of the army of occupation. The amount of this debt was disputed by the government of Spain; and it was contended that it should be offset against certain sums due from France, by virtue of the treaties of 1814 and 1815, and also against the value of Florida, transferred to the United States. After long negotiations, it was finally agreed to liquidate the amount at 80,000,000 francs, bearing an interest of three per cent. and subject to an annual reduction of 1,600,000 francs. Thus terminated the French invasion of Spain, in the overthrow of the constitution; in the abolition of the *cortez*; in the banishment of the most distinguished soldiers and patriots of Spain; in the re-establishment of the absolute government, and a fanatic and insane hierarchy; in the impoverishing of the kingdom, and in fixing upon the government a debt beyond its ability to pay.—Such were the results of this invasion, which inflicted a deeper wound upon social freedom, and aimed a more deadly blow at the independence of nations, than any event in Europe, since the partition of Poland.

While the negotiation was pend-

ing between France and Spain for the liquidation of the claims of the former, a similar negotiation was going on for the adjustment of the claims of British subjects upon the latter. These claims grew out of supplies furnished to the Spanish authorities during the peninsular war, and also for confiscations of British vessels contrary to the law of nations. After having exhausted every means of procrastination, Spain finally agreed, in 1823, that a joint commission should be appointed to determine in a summary way, upon the validity of these claims.

The commission met, and after a sitting of eighteen months, had determined in favour of only four out of more than 300 claims.

It was then ascertained, that the only chance of obtaining any thing, was to offer to take a portion of the claims in satisfaction of the whole. After some negotiation with the claimants, which was invited on the part of Spain, a proposition was made by them to accept £900,000 in full, for the total amount of the claims, which exceeded £3,000,000.

Having obtained this offer, the Spanish government used it as an evidence that the real claim did not exceed that amount. A most disgraceful series of chicanery, and violations of faith and agreements, then ensued on the part of the Spanish government, until at length

the matter was brought before the Parliament, with the view of inducing government to coerce Spain into the performance of her obligations. This movement produced its proper effect upon the Castilian character; and Spain, as she always has done for the last century, yielded to the first demonstrations of British spirit, what she had refused to the suggestions of honour and justice.

In the month of October, 1828, a convention was concluded, by which Spain agreed to pay £900,000, in satisfaction of the claims, in the following instalments:

£200,000 on the 8th of December, 1828.

£200,000 on the 8th of March, 1829.

£350,000 on the 8th of June, 1829.

£150,000 on the 8th of September, 1829.

It was much easier, however, to ascertain the amount of her debts, than to provide the means of discharging them. In 1827, the expenses of the government had been reduced by the council of state, to 427,000,000 reals, and the revenue for the same year, only equalled 400,000,000.

In 1828, the expenses were estimated at 454,000,000 reals, and the revenue at 460,000,000, besides an excess of 6,500,000 of receipts from the *caisse d'amortissement*. But the public distress, the reduc-

tion of pensions, and the failure in the government payments, all led to the conclusion that these estimates were not well founded, and that there was better reason to apprehend a further deficiency. Various attempts were made, without success, to obtain a loan at London and Amsterdam, to enable the government to comply with these new engagements.

At Paris, the attempts were more successful, and a loan of 240,000,000 reals, about 12,000,000 dollars, was made at fifty per cent. discount, upon the pledge of the monopoly of tobacco, for the payment of the interest. Notwithstanding the deplorable state of her finances, the confusion prevailing in every branch of the public service, the impoverished and disordered condition of the kingdom, Ferdinand and his ministers obstinately rejected every proposition to revive the intercourse with her former colonies, by an acknowledgment of their independence.—Every effort was made to induce the court to yield to the necessity which severed the connexion; and the minister of the United States, Alexander H. Everett, in a diplomatic communication to the minister of foreign affairs, which will be found in the second part, most ably and eloquently portrayed the consequences likely to result from further withholding the acknowledgment. These representations did

not produce the desired effect. On the contrary, with the blind infatuation, which seems to characterize the movements of that government, it determined to undertake their reduction to their former state of vassalage.

In the summer of 1828, an expedition of eight or ten vessels of war, carrying 2,500 men, departed from Rota for Havana, with the view of making a descent upon Mexico.

An account of the fate of that expedition will be found in the chapter on Mexico. It was, what might indeed have been anticipated, totally defeated; but few returning, and those as prisoners, to tell the story of their disasters. Earthquakes too, contributed to augment the disasters of this unhappy country. On the 13th of September, 1828, and for several succeeding days, severe shocks were felt on the Mediterranean shore near Murcia.

Many houses were thrown down in Torre de la Mata; and at Murcia, the inhabitants had prepared to leave the city.

A phenomenon occurring near

Madrid, also indicated the disturbed and agitated state of the interior of this portion of the globe.

Flames broke out from the earth in the midst of dense clouds of smoke, and excited great alarm among the superstitious multitude. These indications of future convulsions, which indeed might be regarded as alarming, when referred to their real cause, were awfully realized in the spring of the succeeding year. On the 21st of March, 1829, the province of Murcia was visited with one of those tremendous earthquakes, which so forcibly reminds us of the insignificance of human power. In Murcia, the capital of the province, not an edifice remained uninjured. Several houses were thrown down, and many persons buried under their ruins. La Mafa Torre Vejo, Rafal, Almoravi, and Benejuza, were totally destroyed, and great numbers of their inhabitants perished. St. Fulgencia and Guadamar, entirely disappeared; and in many other towns and villages, the destruction of lives and property was incalculable.

CHAPTER XVII.

PORTUGAL.

Condition of the Kingdom under the Constitution—Assembly of Chambers—Don Miguel's return—Swears to maintain the charter—Tumults—Return of British troops—Charter abolished—Revolt at Oporto—Defeat of Constitutionalists—Cortes convoked—Don Miguel proclaimed—Protest of Brazilian Ambassadors—Tyranny of Don Miguel—Reduction of Madeira—Proceedings of Don Pedro—Arrival of Donna Maria. Lands in England—Attack on Terceira.

THE contest so long prevailing throughout Europe, between the advocates of constitutional governments, and the blind supporters of absolute monarchy, which has been alluded to in the preceding chapter, was still raging within the limits of this unfortunate kingdom. We have related in our first and second volumes, the separation of Portugal from the Brazils, by the voluntary acts of Don Pedro, the legitimate representative of the house of Braganza; his conditional abdication in favour of his eldest daughter, Maria de Gloria; and that one of the conditions was the acceptance of a constitutional charter, augmenting the personal and political privileges of the Portuguese subject, and granting religious toleration to all foreigners within the country. Among a people capable of appreciating the blessings of freedom, this charter would have been received with the warmest

feelings of gratitude, and every day would have acquired for it new friends, and additional strength; but the majority of the Portuguese nation, bigoted, priest ridden and ignorant, possessed no idea of constitutional government, except as connected with modern innovation, and revolution; while an absolute king was associated in their minds with the doctrines of an infallible church and the ancient glory of Portugal.

The exciting events of the last twenty years, although they had roused the public mind, and directed it to the consideration of political affairs; had not prepared the Portuguese nation for the favourable reception of a liberal form of government. The oppressions and cruelties of the French invaders, and the privations and sufferings of the country during the war, had left a distaste for all political changes, and a longing for that state of

comparative tranquillity and prosperity, which the kingdom had enjoyed under the sway of its absolute sovereigns.

The presence of the British troops, too, in their capital, but ill accorded with their ideas of national dignity. It too forcibly reminded them of their dependent and enfeebled condition, and led them to think, that even a constitutional government might be too dearly purchased, when foreign bayonets were necessary to maintain it. It was not forgotten, that a British minister had negotiated the peace with Brazil by which her extensive American possessions were lost for ever to Portugal; that the same minister had brought the charter from Brazil to the Tagus; and now a British force had arrived to sustain it ostensibly against the intrigues and unlawful enterprises of Spain, but in effect against domestic as well as foreign violence.

Sentiments of this description were industriously circulated among the people, by the monks, and their political brethren, the advocates of an absolute monarchy. A strong party was thus formed against the constitutional government, formidable from its activity, and its concentrated energy, blindly submissive to one directing will. The insubordination and rebellious movements and intrigues of this absolute party were scarcely repressed by

the presence of the British troops; although the forcible interference of Spain, in behalf of a politico-religious brotherhood, so congenial to the sentiments of that government, was prevented.

While these opinions were gradually gaining ground among the people, the Regency did not take the proper measures to counteract them; but actually seemed to invite the fate which befel it, by its feeble and vacillating conduct. The concessions obtained from Spain by the spirited remonstrances of Mr. Lamb, and the short-lived vigour of his government, had deprived the contest of the character of a foreign invasion; and it had assumed the appearance of a struggle between domestic parties. The interval before Don Miguel's return should have been devoted to strengthening the hands of the government, and in rendering the charter popular. Instead of that, divisions took place in the government; the cabinet ministers were repeatedly dismissed; and a general uneasiness and expectation of uncertain changes pervaded the community. The government of the Princess regent began to fall into disrepute, and the minds of men were obviously prepared for another revolution in affairs.

In this state of public feeling, Don Miguel, the brother of Pedro, who had been for several years abroad in *honourable exile* for re-

bellion against his father, left Vienna to return to Portugal. Previous to his quitting Vienna, he had frequent conferences with Prince Metternich, and Baron de Villa Seca, the Portuguese envoy near his Imperial Majesty; and, in these joint meetings, it is probable that the basis of the Infanta's future conduct, as Regent of Portugal, was laid. It is also more than probable that the young prince received some very impressive lessons from the good Emperor, and possibly these same lessons were renewed under the roof of Les Thuilleries, and amidst the fond embraces he received from his Bourbon cousins, during his short but ominous stay in Paris.

What lessons his Highness may have learnt, or what impressions he may have received during his stay in England, likely to efface those which he brought with him from Vienna and Paris, it would be difficult to state; so much was he on his guard not to let slip the smallest symptom of his present political creed, or the slightest indication whether his old habits were corrected by travelling and observation. It was, however, remarked, that a most pointed disrespect was shown to those, who had been distinguished for their ardour in the cause of the charter, or who had received any testimonies of personal

regard or public confidence from the Emperor of Brazil; and that there was a disposition to treat all his acts and decrees, excepting, nevertheless, that of the appointment of Don Miguel, with the utmost contempt. An answer of four lines, cold and unmeaning, was further given by the Prince to the address of the Portuguese resident in London, in which he compliments them on their "loyalty," and thanked them for their sentiments and expressions; but carefully avoiding every thing, that could indicate the sense in which he had received them. Before leaving England, however, he declared his intention to return to Portugal, for the purpose of assuming the powers of regent in the place of his sister, upon his coming of age.

It was the intention of Pedro, that his brother should marry his eldest daughter, in whose favour he had abdicated; and he had declared in the document of abdication, that it was made upon the express condition—1st, that the constitution should be sworn to before the queen had left Brazil; and 2d, that the marriage between her and her uncle should be concluded.

The 1st condition had been fulfilled, and espousals had taken place between Don Miguel and his niece; but the marriage could not be concluded until she had arrived at the canonical years of marriage. The

effect of the abdication was suspended according to the opinions of some, and Don Pedro was still the reigning monarch, and the authority exercised by the regent was a delegated authority.

On the other hand, it was contended that by the act of abdication, Don Pedro had parted for ever with his right to the crown, and that the conditions had been complied with.

Whilst this dispute was pending as to the effect of the abdication, and before the landing of Miguel, a decree by Don Pedro, dated the 8th of July, 1827, arrived at Lisbon, appointing Don Miguel his lieutenant, and giving him all his powers as king of Portugal and the Algarves under the constitutional charter.

This put an end to the discussions concerning the complete abdication of Don Pedro; and Don Miguel's acceptance of that delegated authority, was a public assurance of his intention to administer the government according to the constitution. This assurance was also given in a letter written by him from Vienna to his sister. It augured ill for the success of Don Pedro's experiment, that the constitutional government he gave to Portugal, was vested in the hands of secret and active enemies of the liberal party, while only a few of its friends were admitted to a participation of

power. Bastos, the intendant of police, was an adherent of the absolute party. The secret service money at his command made him a most influential personage with the privy council of the princess regent, composed as it was of the ladies of her household, and of favourites who acted through them. This influence had secured to him the situation of a disembargador, and he was backed by all the weight of the apostolics, with whom he was in strict communion, and whose views he promoted by means of his official satellites.

The police was in fact the government, and all its fearful energies were employed to secure the ascendancy of the ultra party. The vacant posts in the army were gradually filled with its friends, and the whole tendency of the administration betrayed a spirit hostile to the charter.

The cortes were assembled on the 2d of January, 1828. The chamber of deputies, composed of one hundred and thirty-eight members, chose the bishop of San Luiz for president. Eighty-five members appeared, and their credentials being verified, they took their seats. In the house of peers, however, an objection was made to the admission of the Viscount de Rio Secco, a peer created by Don Pedro, because the council of state had not been consulted in his crea-

tion, and he was not permitted to take his seat. The princess regent addressed them for the last time in the following manner :

"For the third time you meet in this place, to continue the useful labours which the charter of the Portuguese monarchy has confided in you. Your zeal is always the same. Every day, new lights, the effect of calm experience, assure an honourable result to your exertions in the service of the country.

"You are not ignorant that much is still wanting, completely to found and consolidate our political edifice. I do not doubt that you will now exert the most prudent diligence to accelerate the great work. The time is not long, but prudence and zeal can effect much, and you have given sufficient proofs that you possess both.

"The king, my august brother, who was inspired by a desire for our happiness to give us in the constitutional charter an indisputable proof of his wisdom and magnanimity, trusts to you to realize this great enterprise, which was pictured in his mind, the noble title of his glory, and the invaluable pledge of the happiness of Portugal; and all the world now know how you deserve this confidence.

"My beloved brother, the Infant Don Miguel, is charged by the laws and the orders of his majesty, with the regency of this kingdom. His intentions, conformable to those of the king, our august brother, have been manifested by him; and this event, agreeing with the political views of great nations, added to the measures of government, has disarmed the parties, and calmed the agitations in the country, which was a necessary consequence of extraordinary circumstances. The government of a neighbouring nation, convinced of the true bonds which unite the reciprocal interests of the Peninsula, sincerely opposes the attempts, which madly ambitious and restless spirits have not ceased to make.

"The picture of our finances is not unfavourable to the public credit of the state, yet an unexpected and unforeseen event has effected the interests of the nation, and especially the inhabitants of this capital. The government, however, trusts, that, by the assistance which it

has afforded, and by the measures which have been, and will be adopted, the credit of the bank will be shortly restored.

"We enjoy profound peace with foreign powers—a peace founded on alliances, and on the general interests. The government will neglect no means to insure the duration of friendship with our allies, and the tranquillity of the whole nation. Pursue, then, the glorious career upon which you have entered. Portugal looks upon you as the instruments which a great king employs to make it happy and flourishing; the king takes pleasure in the punctuality, with which you answer his wise thoughts. Be assured that his majesty will be more and more confirmed in his opinion of your zeal and prudence, and that the whole nation will always look upon you as true friends of the country. I know well that you ask no other reward for the inconveniences to which you subject yourselves, and the exertions which you make to serve it. I acknowledge it, and do not hesitate to declare it; but it is certain that for such generous minds, for true Portuguese, the highest reward is the entire approbation of the monarch and the grateful praise of their fellow citizens."

This general description of affairs, gave but an inadequate idea of the true condition of the government.

Every department but the police, was feeble, and in a state of utter confusion. The bank of Lisbon had lost its credit, having been compelled, in the month of December, 1827, to suspend specie payments; the loan of the preceding year, had disappeared without any manifest results; the ordinary revenues had been anticipated; the treasury was empty; and a large deficiency was already foreseen in the accounts of the ensuing year. The government, instead of retrenching to meet this exigency, re-established

old offices, and created new ones, to reward its favourites; and contented itself, with remedying the disorder in the currency, by issuing a circular to the criminal judges directing them to institute judicial proceedings, against all persons guilty of exporting silver coin, "contrary to the principles of political economy." This device, so weak, and yet so common among all unenlightened nations, seemed to them to be all-sufficient to prop the falling credit of the state; and nothing was done by the chambers to remedy the evils under which it was labouring. The first step of the cortes should have been the institution of an inquiry into the state of the nation, and to get rid of those who occupied rather than filled the offices of the government, and abused the powers intrusted to them. The financial embarrassments occasioned by their incompetency, afforded a good ground for their dismissal. The annual report of the minister of finance, showed a deficit of 4,100 contos de reis, nearly \$5,000,000. If this had been done, and the chambers had determined to withhold money, until the government was placed in more competent hands; Don Miguel would have been constrained to respect the charter, and Portugal might have been saved from the disgrace and misery, which a

tyrannical sovereign, and a bigoted faction, so soon combined to bring upon her. One effort was indeed made, by the committee in the chamber of deputies, to whom was intrusted the duty of inquiring into all violations of the constitution, which had taken place during the recess. This committee reported that the imprisonments which followed the tumult in the capitol on account of the dismissal of Sal-dahana,* were contrary to the charter, and recommended, that the magistrates, who had ordered them, should be prosecuted; and that Andrade, the minister of justice, should be impeached for various unconstitutional acts. The chamber, however, did not act upon the report of the committee, and it remained a dead letter.

The ministry continued to act and govern as they pleased, while the chambers were talking. A law was brought forward to regulate the press, and fixing the qualifications of petty jurors at £20 income per annum. A law was also proposed, dividing the kingdom into 14 provinces—7 in Europe, 2 in the Atlantic islands, 3 in Africa, and 2 in Asia. Some commercial regulations were made, and the manner determined, in which the two chambers should proceed in joint meeting. The cortes entered, too, upon a revision of the

* Vide vol. ii. page 367.

judicial system, which certainly required a radical reform; but in the existing circumstances of the government, the chief attention of the deputies should have been devoted to purifying the administration, and in providing for the permanency of the constitutional charter. The executive department demanded their chief care, and while that was in the hands of men, who were using their official authority and all their resources of intrigue to overturn the government, the cause of constitutional freedom was but insecure. The arrival of a new regent, whose predilections were known to be in favour of the despotic party, was an event which would give them a preponderancy, and enable them to engage in their nefarious plots with impunity. Having a chief in the head of the government, it was easily to be foreseen, that they would not stop short of restoring the absolute monarchy. Yet with this prospect before them, they exercised none of the powers vested in them, for the purpose of providing against such dangers, but went on debating and haranguing, until the arrival and usurpation of Don Miguel put an end to their speeches and to the constitution.

Don Miguel arrived at Lisbon on the 22d of February, 1828, by way of England, where he had spent two months in the pleasures of the capital, creating the impression

that it was his intention to govern according to the charter; and where he procured, by his dissimulation and address, an order from the government for the removal of the British troops. As the time of his expected arrival approached, the apostolics became bolder. The impunity with which they had been permitted to plot against the existing government, had encouraged them in their designs; and they now looked forward to its overthrow as an event easy to be accomplished, and most grateful to the Regent.

Publications were circulated through the kingdom, in which the people were exhorted to overturn the new institutions, as of foreign origin, and derogatory to their national character. The right of Don Pedro to interfere with the affairs of Portugal, was denied. The young prince who was returning, was, in the default of Don Pedro, the rightful heir to the throne, and his declarations made in foreign countries, of his being only a Vice Roy, were not to be regarded. He was a king in his own right—an absolute king. The priests, too, were active in bringing the charter into disrepute. It was an English constitution, and the protection it afforded to the heresies of the protestants, by its provision in favour of toleration, plainly indicated its heretical origin. Both national pride and religious zeal,

were wounded by its continuance ; and every true believer and every loyal son of Portugal, were incited by the most animating topics to join in its destruction. The following protest, circulated during the months of January and February, 1828, will exemplify the state of public feeling in a large portion of the nation :

In the name of the most holy and undivided Trinity.

The Portuguese nation, oppressed and betrayed by wicked factions, without a legitimate king or government to defend it, and deprived of all the means of making itself heard authoritatively through its legislative representatives, or the delegates of the three estates of the kingdom, using the only faculty which is now left it, the voice of its own conscience, protests—

First—That, as long as Don Miguel (who was snatched from the Portuguese by the perfidy of the enemies of God, of kings, and of men) shall live, they will not acknowledge as king of Portugal any other prince but him; because his elder brother, the first-born son of the late king, was, before the death of his august father, naturalized a Brazilian, constituted emperor of Brazil, and recognised as a foreign sovereign by the constitution of that state, and by diplomatic acts of all Europe, Portugal included; and because, as a foreign sovereign, the emperor of Brazil is excluded from the succession of Portugal by the fundamental laws of the kingdom, which expressly prohibit a foreigner from wearing the crown of Portugal. But, even though these fundamental laws did not exist, he could not be king of Portugal, for it has never been admitted, nor can it be admitted, that nations are to be foreigners in the eye of their legitimate kings, as the Portuguese now are in the eyes of Don Pedro I. of Brazil, entitled, contrary to the rights of nations, Don Pedro IV. of Portugal.

Secondly—The Portuguese protest, that they will never recognise, as fundamental laws of the monarchy, or as the constitution of the state, any other con-

stitution than that which formed Portugal into an hereditary monarchy at the Cortes of Lamego, which Don John VI. proposed to restore by the decree of the 4th of June, 1824, in calling to meet in the cortes the three estates of the kingdom. As for what is called the constitutional charter given by Don Pedro I., the emperor of Brazil, they protest against it, as being the work of a foreign sovereign, who had by the laws, no right to impose it, as the Portuguese neither asked for it nor were consulted on the subject, as it was made by societies of freemasons, and confirmed by the said Don Pedro, as chief of the masonic lodges of Portugal and Brazil, who called himself a mason in his letters to his august father; as it places the kings of Portugal under restraint, making the exercise of the sovereignty, and other acts of royalty, depend upon secondary powers like the two Chambers; as it establishes in this kingdom heretical houses, and a worship reprobated by the holy Catholic church; and because it permits the Portuguese to abandon with impunity the holy religion of Jesus Christ, of which they engage to be the champions in the sacrament of baptism. On account of all these subversive principles which attack the altar and the throne, they declared the charter intrusive, null, and void.

Thirdly—They protest against the detention of the Infant Don Miguel in any foreign state by violence, by artifice, or on any pretence whatever, as his detention abroad increases and multiplies the bitter evils which oppress the nation.

Fourthly—They protest against all suggestions, intrigues, combinations, cabals, machinations, meditated, intended, or executed, in any mode or manner whatever, with the object of destroying the present protestation, or any part of it.

Fifthly—Finally, they protest, until the arrival of Don Miguel in Portugal, in the plenitude of his liberty, against any writing or writings, under whatever title, ascribed to this prince, or signed by him in his captivity, intended to contradict, detract from, or annul, the whole or any part of the doctrine of this protest, because such writings must be apocryphal, or drawn up under moral or physical coercion.

They declare and condemn, as subversive, all doctrines published or transmitted here with the object of supporting

in whole, or in part, the acts or matters against which they protest.

They declare void, of no effect, and sacrilegious, any counter-protest which may appear, as such document must be contrary to truth, and acknowledged as such. And the Portuguese nation, prostrate before the throne of the most High, swears, in the name of the Lord, never to desist from this protestation—abjures and detests all the principles, means, and ends opposed to this oath—implores the succour and justice of God against the oppressions and the injustice of men—orders and conjures all Portuguese, who by the grace of God are not infected with revolutionary doctrines, or involved in secret societies, to protect and spread this protestation, without doubt, without diminution, and without addition, till the nation is able, by means of the only true constitution of the kingdom, to consume its execrable enemies. From whom may divine Providence deliver all true Portuguese.—Amen.

On Don Miguel's landing, the mingled feelings of the crowd were manifested by the persons assembled, to welcome their returning sovereign. The troops, and some of the spectators shouted, "long live the Infant;" while numbers cried, "long live Don Miguel, the absolute king."

The next day, the latter cry was repeated by the populace, as he went in procession to the cathedral to offer thanks for his safe return. The military, however, did not join in the cry, nor did the merchants, and the more respectable among the spectators.

The regent, however, did not intimate either satisfaction or dissatisfaction, at the shouts; but seemed disposed to wait until he had more fully ascertained the state of public opinion, or until his plans

were matured, before he manifested his ultimate designs.

The queen mother, who assumed an influence over him immediately upon his arrival, was a woman of violent prejudices, fanatical and bigoted in religion, and of the most arbitrary and despotic principles in government; and of course, decidedly opposed to the new constitution. Her ascendancy over the mind of her son was unlimited, because their views were similar, and their principles were congenial.

The resolution to change the form of the government, was therefore probably early determined upon; but the oath to observe the constitution was taken upon assuming the powers of regent, as though no such design was in contemplation. This oath was administered by the Archbishop of Lisbon, on the 26th of February, in the presence of the two chambers of the cortes; but it was remarked by some, that the Archbishop placed himself before Don Miguel, so as to prevent the spectators from seeing him; and the whole ceremony was hurried through in a confused and precipitate manner, as if it were a disagreeable form. In his return, he was said to have exclaimed, "well, I have gone through the ceremony of swearing to the charter, but I have sworn to nothing."

The next day, his ministers were announced; and the character of

his cabinet indicated that the overthrow of the constitution was resolved upon. They were all of the absolute party, except Count Villa Real, a constitutionalist, who was made minister of war, and ad interim of foreign affairs, with De Barros for an assistant. At its head, was the Duke de Cadaval, the first peer of Portugal, but subservient to the views of the queen mother, and professing the same principles.

M. Leite de Barros was made minister of the interior; M. Furtado de Rio de Mendoca, minister of justice, and M. Lauzan minister of finance. The announcement of this ministry caused a decline in the public funds, and also in the paper of the bank. The resumption of specie payments was postponed indefinitely, and business experienced a temporary stagnation.

The mob, and the minions of the absolute party, grew more clamorous. They now began to add to their former cries, "down with the constitution;" "long live the Marquis of Chaves," the late commander of the rebels, who had been driven into Spain. On the 1st of March, they proceeded to even greater lengths. The regent had fixed that day, for receiving the congratulations of the courtiers and public functionaries on account of his return.

When they arrived at the palace, they found the court yard filled with the lowest orders of the popu-

lace, vociferating for "religion," and "the absolute king." As each carriage entered the gate, its occupant was detained, and compelled to join in the cry. Those who were known to be constitutionalists, received the greatest share of abuse; and Count da Cunha, one of the leaders of that party, and who had been that very morning acquitted of an accusation fabricated against him by Bastos, was dragged from his vehicle and beaten.

General Caula, also an officer of distinguished character and fidelity, and then commandant at Lisbon, having refused to obey the mandates of the mob, was attacked with stones, his carriage destroyed, and his life with great difficulty preserved by the regent's guard.

While these scenes of tumult were going on in the palace yard, Don Miguel and his prime minister were within, congratulating themselves upon the existence of a feeling so favourable to their views. The captain of the guard received, in reply to his applications for orders to disperse the rioters, directions to take no notice of them; that the guard was only bound to watch over the safety of the royal family. These outrages, connected with the time and place where they were committed, were the forerunners of a revolution, and plainly indicated that the constitutionalists must succumb, or prepare to sustain their

cause by force. Instead of this, they contented themselves with moving an inquiry into the cause of the riots. The government itself instituted no proceedings; but on the 7th of March, Count Taipa moved an inquiry concerning it, in the house of peers. After describing the disorder and alarm prevailing in the capitol, he advanced to the late outrages before the palace itself; the inaction of the police, and the silence of the government. He asked why no proceedings had been instituted against the traitors, who had committed such atrocities, and boldly called upon the chamber, to dissipate the atmosphere with which a faction surrounding the throne, had obscured the views of the regent. After urging the necessity of the regents, distinctly disapproving of these tumults, he moved that the ministers be requested to come to the chamber to answer questions on the subject.

The ministers, probably aware that some movement would be made on that day, were not present, with the exception of Count Villa Real. It thus fell to his lot to offer some remarks in behalf of his colleagues, whose course he in reality disapproved of, although he seemed himself prevented by his official connexion with them, from coming out in direct opposition.

He admitted that they were bound to bring these matters under the

consideration of the regent, but it was then too early to charge upon them a neglect of their duty. The motion was premature. He accused Count Taipa of indiscretion in alluding to "a faction surrounding the throne," and assured the chamber that he knew of no such faction.

Count Taipa replied in the following spirited manner: "I have been censured for saying that the Infant is surrounded by a faction. I am not accustomed to retract my assertions, and in the words of the French poet, I shall say,

'Je le dirais encore, si j'avais à le dire.'

"When I accepted the dignity of peer, I felt that I held in this chamber a post of honour, in which it was my duty, if necessary, to die; in the same manner as I held myself, when I entered the service, ready to die in the field of battle. If I may not freely speak my opinion, I shall be no better than Caligula's horse. That animal wore the robe of a Roman senator; and like it, I shall appear here in the dress of a Portuguese peer. I therefore persist in my motion."

The chamber, however, was not animated by a similar spirit, and the motion was lost, only seven voting in favour of it, and twenty-four against it.

A similar motion was made in the chamber of deputies the same day by M. Magalhaes, which was there unanimously agreed to, but the

speedy termination of the session prevented any further proceedings on the subject.

The feelings manifested by the populace, while they filled the friends of the constitution with the most mournful forebodings, emboldened Don Miguel and his adherents to move more openly towards the attainment of their object. As a preliminary step, the military were to be secured, or at all events put under officers of a different character from those, who then commanded them. Hitherto they had shown no disposition to join in the seditious cries. They probably remembered that no great length of time had elapsed, since they had fought in defence of the charter against Chaves and his army; and General Caula and his confidential officers spared no pains in confirming them in their attachment to the constitutional cause. In order to deprive the liberal party of this support, Caula and the garrison officers favourable to the charter were dismissed, and their places filled by officers devoted to the views of the court.

This step, so indicative of the determination of the regent, was met by the opposite party, by a resignation of Villa Real as minister of war. Instead of holding his place, and refusing to consent to the change, which would have brought the question to an issue in which the constitutional party would

have taken the chance of success, he resigned his portfolio; but consented to retain his place as minister for foreign affairs, at the request of the foreign ambassadors at Lisbon. This timidity and irresolution only hastened the ruin of the liberals. Orders were transmitted to Spain for the return of Chaves and his rebellious troops, with the view of strengthening the court, by an army upon which it could depend. These proceedings hastened the crisis.

The constitutionalists, seeing nothing but ruin and disgrace, while their councils were controlled by such feeble spirits, began to leave the capital; and the approaching departure of the British troops seemed to be the signal of the completion of their destruction. The preparations for their embarkation were going on, while Don Miguel was rapidly advancing in his career of violence and usurpation.

The scheme at first projected for giving the final blow to the constitutional government, was defeated by the interference of Sir Frederick Lamb, the British ambassador at Lisbon.

Don Miguel was rather doubtful of the attachment of the regular army, and preferred relying upon Chaves' troops, and the levies raised by the priests among the peasantry. He therefore determined to go to Villa Vicosa, a town near the Spanish frontier, under

the pretence of a hunting excursion. Here he was to be proclaimed absolute king; and, supported by the apostolic forces and the authority of the church, to advance upon Lisbon. The court of Spain, with which a constant correspondence was kept up, through the Camarilla, was to lend aid in the execution of this plan, and to afford him and his party an asylum in case of its failure. Mr. Lamb having obtained accurate information of the details of this project, undertook upon his own responsibility to interpose obstacles to its execution. Having obtained an interview of Don Miguel, he warmly remonstrated against his projected excursion. He countermanded the order for the departure of the British troops, until he should receive answers to his despatches to his government; and he also interfered to prevent the payment of the loan made to Don Miguel by Mr. Rothschild, on the guaranty of the British government. The money had arrived, and was on the point of being delivered, when Mr. Lamb ordered it to be detained, until Don Miguel had entered into certain stipulations as to his future course. These energetic steps on the part of the British minister, re-animated the friends of the constitution, and imparted to them a temporary vigour; but at the same time they augmented the animosity of the opposite party, and deter-

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mined Don Miguel to rely solely on his own resources in executing his plans. The better classes in Lisbon were filled with joy. The chambers partook of the general feeling, and began to manifest a spirit, which, if exerted at an earlier period, might possibly have enabled them to save the country.

The chamber of deputies voted an address, praying that a copy of the Regent's oath might be laid before them; and it was proposed to give a vote of thanks to the naval and military commanders of the British forces, and to declare the country in danger. A majority of the peers, it was understood, had united and resolved to co-operate with the deputies, in calling the government to account for the existing abuses; to deny all further supplies of money; and to denounce the proceedings of the apostolics.

Don Miguel and his advisers had now gone too far to recede; and with the view of checking the further development of this spirit, on the 14th of March he dissolved the chamber of deputies, and terminated the session. The cortes being dissolved, he was at liberty to proceed in his designs, without interruption on the part of the constitutionalists. The precautions, however, taken by the English commanders, in concentrating their forces; the preparations made by their vessels of war in the harbour

of Lisbon : and the guarded, but firm demeanour of Mr. Lamb, caused him still to hesitate until the beginning of April, when the orders, which were received for the peremptory departure of the British troops, relieved him from all apprehension from that quarter.

It seemed that, with a change of the British ministry, there was some modification of the policy of that government towards Portugal. The commanding spirit which, while presiding over the councils of England, had comprehended Europe in its glance, and regarded the advocates of liberal opinions on the continent, as but weapons within his grasp, had passed away. England no longer aspired to act as arbiter between the great contending parties of Europe ; but gradually withdrew from the sphere, into which the bold and adventurous genius of Mr. Canning had impelled her. Not that he would not have persevered, so long as circumstances permitted, in the neutrality he had promised to observe between the domestic factions of that kingdom ; nor that the Duke of Wellington was not desirous that the constitutional government should be preserved ; but the greater tendency of the former, towards liberalism, together with his superior civil courage, springing from a greater knowledge of affairs would have induced him to have continued the indirect support af-

forded to the constitution, by the presence of the English troops after all apprehension from Spanish interference was at an end ; and finally, his government might have been brought in direct collision with the French and Spanish governments, then controlled by the councils of the ultras. Wellington, on the other hand, was desirous of avoiding any appearance of partiality, and with rather less regard for the prevalence of liberal institutions, was willing that the Portuguese nation should determine the matter for itself. The troops, therefore, were peremptorily ordered to return, and the two parties were left to settle the dispute by their own strength. The predominancy of the absolute party was now completely secured.

Many of the nobility, and of the mercantile class, left the kingdom. Count Villa Real at length became convinced that his continuance in the ministry was inexpedient, and separated himself entirely from the government. He was succeeded by Viscount Santarem, one of the apostolics, as minister of foreign affairs. A committee of similar principles, consisting of the bishops of Viseu, Santarem, Mattos, Saraiva and Gucco, was instituted to revise the mode of electing deputies. The governors of provinces, who had shown constitutional attachments, were dismissed ; and by an ordinance of the 19th of March,

the intendant of police was ordered to furnish a list of all the magistrates, who had hindered the people from manifesting their sentiments of loyalty in favour of Don Miguel, in order that they might be visited with his royal highness' displeasure. Rebel officers were invited to return from Spain, and were placed in command. Systematic encouragement was given to the populace to proceed to acts of violence, and political emissaries were employed to excite the mobs to cry—"Down with the charter; death to the English; death to the freemasons, and long live Don Miguel." Intimations too were given to the municipal authorities in different parts of the kingdom, of the propriety of being forward in inviting Don Miguel to assume the crown in his own right.

On the 25th of April, these proceedings assumed a consistent shape. A large number of the populace at Lisbon assembled, and after proclaiming Don Miguel king, proceeded to the municipality or senate, to cause that body to proclaim him in form. It very readily acquiesced in the measure, and having displayed the national colours from the senate house, was proceeding to frame an act to that effect, when the president arrived, and induced the members to alter it into an address to his royal highness to assume the crown. This was signed by the municipality, such of the mob as could write,

and by several noblemen, who were compelled to come out of their carriages while passing, and to sign the address.

A deputation then took it to the palace, where it was most graciously received; but as Don Miguel plainly perceived from the silence of the regular troops, and the backwardness of the nobility and all the respectable classes, that the address was any thing but an expression of public sentiment; he thought proper to disclaim the proffered crown, and the next day, for the sake of preserving appearance, he issued the following decree:

"In answer to the representation which the senate of Lisbon, as the representative of this noble and ever loyal city, has this day laid before me, I am pleased to reply to it, that my own dignity, and the honour of the Portuguese nation, requiring that matters so grave as those contained in the above-named representation be treated of in a legal manner, as established by the fundamental laws of the monarchy, and not in the tumultuous manner which unhappily took place in 1820; I feel assured that the senate, and the honourable inhabitants of this city, after having addressed me in the terms befitting them, will give to the world and to posterity, another proof of their fidelity, by awaiting quietly in their respective homes, those further measures, the taking of which appertains to me alone.

"Palace of Ajuda, April 23, 1828."

He also caused a note to be addressed to the corps diplomatique, in which the whole affair was ascribed to the spontaneous expression of the public feeling, which could not be repressed, although he stated, that every step had been taken to confine it within proper bounds.

The duplicity of this excuse was almost immediately manifested, by an official invitation, posted up by authority throughout Lisbon, to sign the address of the senate. The police, too, applied to many who had neglected to comply. A portion of the nobility, to the number of eighty-three Dukes, Marquises, &c., was induced to join in a representation to the Infant, in which his right to the crown was asserted, and the acts of Don Pedro, since his acceptance of the crown of Brazil, were stigmatized as illegal. A convocation of the three estates of the kingdom was also requested, for the sole purpose of formally declaring the right of the Infant to the throne. This representation was well understood to be in conformity with the wishes of the court, and in fact to have been got up by its creatures and favourites. A compliance with its request, however agreeable to the people of Portugal, was plainly a violation of the principle of legitimacy, and nothing but usurpation, and a betrayal of trust on the part of Don Miguel. He had accepted the reins of government, as viceroy

to Don Pedro, and had sworn to observe the constitutional charter. A convocation of the cortes, a body unknown to that instrument, was consequently a violation of it, and could only end in its overthrow. The foreign ambassadors at Lisbon, met together in consequence of this movement, and determined to suspend all official intercourse with the government of Don Miguel, until further advices from their respective courts.

This determination did not deter him from proceeding in the execution of his designs. The representations from a few nobility, and the municipalities and rabble of Lisbon, and some of the provincial towns, were regarded by him as too strong an expression of public sentiment to be resisted; and like Gloster, yielding to their kind enforcements, he meekly submitted to the fortune, that the mayor and aldermen were resolved "to buckle on his back."

On the 3d of May, he accordingly issued a decree convoking the cortes of Lamego, the ancient three estates of the kingdom, that had not met since 1697.

The decree run in the following manner.

"The necessity of convoking the three estates of the kingdom, already acknowledged by the king, my father, (now in glory), in his decree of June 4, 1824, having increased by reason of late events, and I, desiring to satisfy the urgent representations which the clergy, the nobility, the tribunals and all the municipalities have submitted to my royal pre-

sence, have thought proper, in conformity with the opinion of learned persons, zealous for the service of God, and the good of the nation, to convoke the said three estates of the kingdom—in the city of Lisbon, within thirty days from this date of the letters of convocation, to the end that they, in a solemn and legal manner according to the usages and style of this monarchy, and in the form practised on similar occasions, may recognise the application of grave points of Portuguese right, and in that way restore public concord and tranquillity; and that all the important business of the kingdom, may take consistence and just direction. My council of ministers is to understand my order in this sense, and cause it to be executed.”

This decree was in itself an assumption of authority in his own right. Don Miguel no longer purported to act by delegated authority, but issued this ordinance in his own name. The ministers of Brazil at the courts of London and Vienna, protested in their sovereign's name against this usurpation, and denounced the address of the municipality of Lisbon, and the decree convoking the cortes, as criminal violations of the rights of Don Pedro and his daughter Donna Maria. This protest was addressed to the Portuguese nation, and they were exhorted not to suffer a perfidious faction to overthrow the tutelar principle of legitimacy—“a principle which forms the basis of the peace of Europe, and which all its sovereigns have engaged to maintain inviolate.”

This protest served as a rallying point for the constitutionalists, who seemed on the point of falling with-

out a struggle. The military hitherto had kept aloof from the seditious movements of the absolute party; and though the soldiers had been placed under the command of more tractable leaders, they had always manifested an unwillingness to join in destroying the constitution. While the municipalities, the ignorant peasants, and the degraded populace of the cities, were the ready tools of the court and the priesthood; the soldiery, in most countries the instruments of arbitrary power, seemed here the sole hope of constitutional freedom. They remained faithful to the cause of the charter; and shortly after the usurpation of Don Miguel, they openly revolted, and declared their intention to sustain the claims of Don Pedro. The town of Oporto took the lead in resisting the designs of the apostolic faction; and it was there, that the troops first gave the signal of revolt. The municipality there, as in other places, had joined in an address to the Infant, similar to that at Lisbon. The merchants and other respectable inhabitants of the town, dissenting from the sentiments of the address, assembled and expressed their determination to resist the usurpation.

While the city was agitated by these conflicting opinions, the 6th regiment of infantry arrived to join the garrison. This regiment, originally raised in Oporto, was deci-

dedly liberal ; and excited by the example of their relatives and friends, and warmed by the exhortations of their commander, Don F. S. Pereria, they openly espoused the constitutional cause, and induced the 18th regiment of infantry and 4th of artillery to take the same step. On the 18th of May, the three regiments met in arms in the great square, and proclaimed Don Pedro and the charter. The rest of the garrison, consisting of a regiment of cavalry and one of *caçadores*, followed the example of their comrades. This proclamation was received with enthusiasm by the citizens, who freely contributed their money for the support of the army ; and a provisional government was established in the name of Don Pedro, composed of General Da Costa, president ; and Durate Ferreri, Moraez, Sarmento, G. Sampayo, F. J. Vanzeller, C. Copke, and Garma Lobo.

The garrisons of Braya, Valença, and Penafiel, on the north bank of the Douro, hastened to join them upon hearing of the revolt ; and the students at Coimbra, animated by sentiments imbibed from the classic writers of antiquity, formed themselves into a corps, and followed their example. The constitutional army, about 4000 strong, then commenced its march towards Lisbon, and was reinforced on the route by the accession of all the garrisons

in upper Beira, until it amounted to 6000 men. They entered Coimbra without resistance, and had they been commanded by any officer of distinguished rank or character, and had improved to the utmost the favourable moment,—that moment which in revolutions seldom occurs but once, they would have encountered very little opposition, even at Lisbon ; and Don Miguel would probably have been compelled to seek refuge a second time in *honourable* exile. The general discontent among the better classes, wanted only encouragement to burst forth, and the heads and adherents of the apostolic party were overwhelmed with consternation. They knew not the extent of the disaffection. The army, they knew, could not be depended upon, and they wanted money to pay and equip the troops which were at their command. The bank of Lisbon refused to loan money upon the credit of the existing government, and Don Miguel was compelled to resort to the unpopular expedient of a forced loan from the wealthiest of his own party.

This favourable conjuncture, however, was not seized by the constitutionalists. Hesitation and indecision again predominated in their councils, and instead of advancing upon Lisbon, (where they were earnestly expected,) to countenance their friends by their presence, and to further distract and

intimidate the apostolics, they lingered about Coimbra till the middle of June. Whether this delay was owing to their desire to have the aid of the distinguished commanders, whose return from England had been at once requested by the provisional government, or to the fear of their retreat to Oporto being cut off by the levies of the apostolics in the northern and eastern provinces,—both insufficient reasons, and demonstrative of the feeble spirits controlling their councils; certain it is that it was destructive to their hopes.

Don Miguel, acquiring confidence from their delay, ordered the governors of the neighbouring provinces to advance with all the forces they could collect, upon Oporto. The port was declared to be in a state of blockade, with the view of preventing succours from Great Britain; and having raised a sum of money from among his adherents, on the 25th of May, he despatched a body of troops from the capital, about 2000 in number, to aid in the reduction of the constitutional army.

A proclamation was issued, (in which he still styled himself regent,) of the date of 23d of May, calling upon the Portuguese nation to join with the Infant in putting down the revolution; and assuring them that his course was dictated by a sincere desire to restore the splendour of the crown, and to preserve the national

honour and independence. The disaffected in Lisbon were subjected to the most rigorous surveillance; and the prisons were filled with those, who had the misfortune to fall under the suspicions of the police. In the mean time, a revolt of the troops at Lagos, which took place upon hearing of the commotions at Oporto, had been repressed by the decision of General Palmerin, the military Governor of Don Miguel, in the Algarves. This fortunate result in that quarter re-animated him, and he looked with more confidence to the issue of the contest in the northern provinces.

Arms and munitions were sent into the province of *Tras-os-Montes*, where the peasants were devoted to the apostolic cause. Detachments of troops and volunteers were despatched from Lisbon to the army, and the levies raised in the provinces were directed to unite near *Leiria*, in *Estremadura*. Some skirmishing took place, but nothing decisive occurred, until the royal forces were concentrated in front of the constitutionalists.

Don Miguel's forces having assembled, were now superior in number, and they began to advance against them, both in front and on their flank; and on the 24th of June, they commenced an attack on their vanguard in front of *Coimbra*.

The constitutional troops, finding themselves outnumbered, and the

royalists on their flank, retreated, and took up a new position on the river Vouga. The same day, the Marquis Palmella, the late Portuguese ambassador at London, together with Counts Villa Flor, De Taipa, and Sampayo; Generals Saldanha, Xavier, and Stubbs, arrived at Oporto from England.—They were received with the greatest enthusiasm, and were appointed by the junta, to various commands. Saldanha of the army, General Stubbs of the town of Oporto, and the Marquis Palmella was taken into their councils.

On the 29th of June, as Saldanha, and Villa Flor were proceeding from Oporto to their commands, they were met by couriers, informing them that an action had been fought on the bridge of Vouga, which was abandoned by their troops, almost without a struggle. This advantageous position having been relinquished, but little hope remained of making an effectual resistance in Oporto,—an unfortified town, attacked by a superior force. A council of war was called, in which the modes of retreating seem rather to have been discussed, than the means of victory yet remaining; and it was finally determined to evacuate Oporto, and to make their way to the Spanish frontier, overpowering any troops they might meet by the way.

On the morning of the 2d of July, the junta assembled, and having

adopted this resolution, dissolved. The civil and military authority was delegated to two of their number, and to the general in command of the evacuating army.

The residue immediately embarked, with many others, and were fortunate enough to escape the blockading squadron, and after encountering a series of disasters, finally arrived in England.

The next day the army evacuated the town in great confusion, and commenced their retreat on the north bank of the Douro towards Spain. They were severely harassed on their march by guerilla parties; and after some severe skirmishing, in which they showed more courage than when fighting for the charter, they succeeded on the fourth day in reaching the Spanish frontier. Their artillery they were obliged to leave behind them, on account of the bad state of the roads. The Spanish authorities gave them a shelter from their pursuers; but they disarmed them, and took from them their military chest. Finally, they were permitted to go to Ferrol and Corunna, whence they sailed for Plymouth, and established themselves at that place in depot. Thus terminated the efforts of the constitutionalists in Portugal, and with the extinction of that party the influence of England in the government of that kingdom departed. For nearly a century it had been little

more than a dependency of England. It had been protected by it in war ; and in return it had surrendered to it the control of its commercial policy in peace. Many English merchants had established themselves in the seaports ; and a very intimate mercantile intercourse and political connexion, had subsisted for so long a time as to render Portugal an attendant satellite upon Great Britain in the European system. The existence of this influence, which was equally potent in the court of Brazil, connected with the transmission of the charter by means of a British minister ; the promptitude with which the sword of England was unsheathed in its defence ; and the undisguised preference of the British ambassador for the constitutional government, operated to produce a general disinclination to it, as of English origin. However grateful the Portuguese nation might feel, for the guardian care with which England had protected its independence from its continental neighbours ; it did not relish so evident a proof of the state of tutelage, to which it had been reduced by the force of circumstances. A strong national feeling, therefore, conspired with bigotry, ignorance, and perhaps a distaste and unfitness for free institutions, in aid of Don Miguel's usurpation. The influence of England over its government was at an end, and with but

little probability of its being resumed, except by means of a new revolution.

Don Miguel, however, being freed from the presence of a hostile armed force, turned his attention towards the consolidation of his power. Severity and cruelty seemed to be his sole expedients. He had apparently studied the science of government in the school of Tarquin the proud, and bent his efforts to cut off all that stood in his way to an absolute throne. Before the end of June, he had filled the prisons with the victims of his suspicions. In Lisbon alone 3000 men were confined ; and every packet that sailed from England diminished the number of his opponents, by carrying away the most respectable and wealthy inhabitants of the capital. No obstacles were interposed to the departure of many distinguished noblemen, whose opposition in the assembly of the three estates, to the designs of Don Miguel was probably apprehended ; and when the cortes met on the 23d of June, such had been the judicious management in the choice of delegates, by rejecting the votes of all electors tainted with liberalism, that no ill-timed discussions were entertained in that body as to the rights of Don Miguel.

This assembly, known to the Portuguese nation as an ancient legislative assemblage, had been

convoked about one hundred times since its institution in 1143. Of late years it had not met, and was regarded as an obsolete body, not having been convoked since 1697.

The three estates of the kingdom purported to be represented in it; and on the present occasion, they were represented by the cardinal, the patriarch and 18 bishops and priors on the part of the clergy, 54 dukes, barons, &c. and 50 chancellors, judges, and 17 proxies on the part of the nobility, and 153 delegates representing 84 towns on the part of the commons. They met in the royal palace, Don Miguel being seated on the throne, and the opening speech was read by the bishop of Viseu. They then separated, and proceeded to their respective places of deliberation; the clergy to the church of St. Antonio da Se, the nobility to that of St. Roque, and the popular deputies to that of St. Francisco.

They then proceeded with great unanimity to declare Don Miguel the lawful king of Portugal and Algarves and their dominions; and to state the grounds upon which Don Pedro, the eldest representative of the reigning family, was set aside. The adherents of Don Miguel asserted, that Portugal, by its fundamental law of the Cortes de Lamego, in 1147, Art. 6, had established as an invariable rule, that "the eldest daughter of

the king shall never marry any other than a Portuguese lord, *in order that in no instance a foreign prince may be king of these realms.* And if the eldest daughter of the king does marry a *foreign lord*, she will never be acknowledged as queen." With this law, and on this condition, the Cortes of Lamego invested their first king, Don Alphon-sus, with the Portuguese diadem.

They then showed, by precedents from the history of Portugal, that the cortes had at various times exercised the right of preventing the accession of the eldest branch, with the view of excluding foreign princes, although the nearest in kin to the king; and that this fundamental law had been re-enacted by the cortes in 1641, and by an edict of king Don Joao IV. in 1642. They therefore asserted, that Don Pedro had forfeited his right to the crown,—

1st. Because, although he was, by his birth, as eldest son of king Don Joao VI., the lawful heir to the crown of the united kingdom of Portugal, Brazil, and Algarves, he forfeited that claim in 1822, by revolting against his father and natural lord, and taking arms against his country, and dismembering the monarchy.

2d. He had taxed the compact, which bound the Portuguese nation to him, driving the Portuguese out of the Brazils; confiscating their property; insulting the Portuguese nation by the most injurious pro-

clamations, in which he positively declared his connexions to be dissolved with Portugal.

3d. He had forfeited the claim to the crown of Portugal, and renounced virtually the same, by the constitution given to the Brazils, and sworn to by him, on the 11th December, 1823, considering himself a Brazilian citizen, (a foreigner to Portugal,) by the 6th Art. of the same, in which he qualifies as such, "all those born in Portugal, or its possessions, who being resident in Brazil at the time of proclaiming the independence of the provinces in which they reside, shall adhere to that independence expressly or tacitly, by continuing their residence." The fundamental law of Portugal excluding foreigners from the succession, the emperor Don Pedro had disqualified himself from succeeding to the crown of Portugal, by this act.

4th. He had contracted a further disability of being ever called to the throne of Portugal, which requires a king resident in the kingdom. The Art. 104 of the Brazilian constitution, declares expressly, "that the emperor cannot go out of Brazil without the consent of the General Assembly; and if he does so, he is considered as abdicating the crown." The emperor Don Pedro having refused to return to Portugal, when called by the nation and by his father in 1821—remaining out of the country

against the will of the nation, and in defiance of the laws of Portugal, which require the residence in the kingdom of the heir apparent—confirmed, by the above article, his unconditional and decided renunciation of the crown of Portugal. He considered himself so much a complete foreigner to Portugal, that by the Art. 118 of the above constitution, he excludes entirely the dynasty of Braganza from the throne of Brazil, by directing, "that, in the case of the lines of the legitimate descendants of Don Pedro becoming extinct, the General Assembly, during the life of the last descendant, is to elect a new dynasty;" and by the Art. 119, settling further "that no foreigner can succeed to the imperial throne of Brazil."

5th. By the constitution which the emperor Don Pedro sent to Portugal from Brazil, dated 29th April, 1826, he pronounced his own disqualification to reign in Portugal, enacting, by the Art. 8th, that "a native of Portugal loses his rights of a Portuguese subject, by naturalizing himself in a foreign country;" and further by the Art. 89, "that no foreigner can succeed to the throne of Portugal."

For these reasons it was contended, that Don Pedro was disqualified either to succeed himself, to name a successor, or to interfere in any manner with the government of Portugal. The nation,

therefore, was compelled to designate the successor, and the cortes performed that duty by proclaiming Don Miguel. This was done on the 26th of June; and on the 4th of July, Don Miguel, by an ordinance, confirmed the judgment of the cortes, and formally assumed the title of King of Portugal and the Algarves.

A decree was also passed, restoring Chaves and his associates, their estates and employments, of which they had been deprived, for their rebellion against the late government. The three estates finally joined in a report of the reasons influencing their decision in favour of Don Miguel,* and were dissolved on the 15th of July.

The Infant was now invested in due form with the powers, which he had hitherto exercised by virtue of delegated authority. The ambassadors of the European powers, with the exception of Spain and the Pope, left Lisbon upon his being proclaimed king; and expressed the disapprobation of their sovereigns at his proceedings, by the dissolution of all official intercourse with him: and the Brazilian ambassadors at London published a protest against the proceedings of the cortes, and set forth the grounds upon which they relied to support the claim of Don Pedro.

These are comprehended in the following extracts from the protest:

We are well aware that upon the extinction of the direct and legitimate line of a reigning dynasty, when, in the collateral branches, many pretenders appear to the succession to the vacant crown, the decision of this important question of the superior justice of any particular one's claim, appertains to the superior authorities of the state.

But as such a question cannot occur when succession to a crown is regulated by the right of a promogeniture; the hereditary rights of our august master, could not admit of a doubt at the period of the King his father's decease; nor were they doubted.

Before even learning at Rio de Janeiro the sad news of the event which opened this precious succession, H. I. M. had been proclaimed King in Portugal, and immediately acknowledged as such by all the Sovereigns and Governments of Europe.

This proclamation and acknowledgment, spontaneous and formal, affords evidence so irrefragable and solemn of the legitimacy of the hereditary rights of H. M. the Emperor of Brazil to the crown of Portugal, that we could content ourselves with opposing it to the usurping faction, which has dared to brave the unanimous opinion of the powers of Europe, and of the majority of the Portuguese nation.

But we will not confine ourselves to this allegation. We will do more; we will combat the two arguments of which this perfidious faction has availed itself in order to attack rights so incontestably just.

1st. That of an ancient law enacted by the Cortes of Lamego, which we transcribe in its proper terms. "Sit ita in sempiternum, quod prima filia regis recipiat maritum de Portugale, ut non venit regnum ad extraneos etsi cubaverit cum principe extraneo non sit regina, quia nunquam volumus nostrum regnum ire fore Portugalibus, qui reges fecerunt sine adiutoris alieno, per suam fortitudinem."

By changing the sense of this law, (whose very existence in fact is extremely doubtful, but which we willingly admit,) the usurping faction supposes that, in consequence of his accession to the throne of Brazil, H. I. M. forfeited his quality of Portuguese Prince, and accordingly became incapable of succeeding to the crown of Portugal after the death of his father.

* Vide Public Documents, 2d part.

The false application of this law is evident. This law forbids Queens of Portugal to intermarry with Princes of foreign birth; but it does not prevent Portuguese Princes from acquiring the crown of another state, nor from succeeding to that of Portugal after having acquired another sovereignty; the history of Portugal itself affords us proofs of this. King Don Alphonso III., who was a Portuguese Prince, and possessor of the county of Bologna, succeeded to his brother, King Sancho II., preserving still the sovereignty of Bologna. King Alphonso V. wore the crown of Portugal, as well as that of Castile and of Leon. And King Don Emanuel was at the same time monarch of Portugal, Castile, Leon, and Arragon.

And since this law did not formerly exclude the Count of Bologna, Don Alphonso, from the succession to the crown of Portugal, it cannot at present exclude H. M. the Emperor of Brazil and Prince Royal of Portugal, from the same succession.

2d. That, of a law subsequently made, on the 12th of September, 1642, by King John IV., at the request of the Three Estates, and containing the ratification of that of Lamego. It is said in this second law, "that the successor to the crown must be a Prince born in Portugal, and that no foreign Prince, by birth, however near a relative he may be to the King, can ever succeed to him."

Now, as this exclusion has reference only to Princes born in a foreign country, it is manifest that it cannot be applicable to H. I. M., who first saw the light in Portugal. Moreover, as neither of these laws has anticipated the case of a partition of the crown of the Portuguese monarchy by a solemn convention between the king and his legitimate heir and successor, (which has happened for the first time between H. I. M. King John VI. and his eldest son, the Prince Royal Don Pedro,) these laws, we repeat it, cannot be applicable to the case under consideration.

In ratifying the treaty of the 29th of August, 1825, by which the partition of the crown was effected, H. M. King John VI. promulgated, on the 15th of November, 1825, a perpetual law and edict, in which he recognises his eldest son, the Emperor of Brazil, as Prince Royal of Portugal, and expressly revokes all the laws, usages, regulations and decrees of

the Cortes, which might be of a contrary nature to the purport of this law.

For a novel and unforeseen exigency a new law was absolutely requisite.

And as the authority of H. M. King John VI. was as full and unlimited as that of his august predecessor, King John IV., the law of the 15th of November, 1825, (published in consequence of a treaty, which is a sacred and inviolable covenant, and a supreme law amongst all civilized nations,) has become a fundamental law of Brazil and Portugal, and is the only one which ought to regulate, as it has done, the succession to the crown of Portugal, when a vacancy of the throne occurs.

Having thus completely exhibited the illegality of the decision of the self styled Three Estates of the Kingdom, as well as the falsity of the arguments alleged by them in favour of the usurpation, it only remains for us to fulfil a mournful but honourable duty, that of protesting, as we do protest, openly in the face of the universe, against the usurpation of the crown of Portugal, recently made to the prejudice of H. M. the Emperor of Brazil and king of the said Kingdom, as well as that of his well beloved daughter, Donna Maria da Gloria; and we confide this solemn protestation to the omnipotence of the Supreme Arbiter of Empires, and to the justice of all the Sovereigns of Europe.

Written at London, this eighth day of August, 1828.

(Signed) { Marquis de REZENDE,
 { Viscount D'ITABAYANA.

This, however, did not operate as a check in the headlong career of Don Miguel. With the decision and energy which have marked his despotical course, he resolved to crush all semblance of opposition. Almost immediately after being proclaimed, he appointed a special commission to make the circuit of the kingdom, to punish all who had taken part in the late revolt at Oporto. An amnesty had been previously published, to all who

were detained in the prisons of Lisbon and Oporto, except for treason, perjury, blasphemy, &c. ; and thus they had been relieved from a part of the accused who encumbered them. Now, however, it was understood that the Atlantic islands refused to acknowledge Don Miguel, and this new cause of irritation, occasioned new severities against the constitutionalists.

The members of this commission were to be paid from the confiscations they made ; and this premium on convictions produced its natural effects. In Oporto alone 650 persons were imprisoned for trial ; and in the course of one month out of 125 tried, 80 were condemned to death. It was estimated that throughout the kingdom 15000 men were incarcerated for political offences ; and the prospect of being subjected to the supervision of this ruthless tribunal filled the public mind with dismay, and excited a general apprehension, except among the violent partizans of the court.

Decrees were also promulgated, confiscating the property of all Portuguese emigrating without the royal consent. These measures, which established the authority of Don Miguel, did not fill the treasury, nor even check the decline of public credit. The 5 per cent. loan sunk from 82 to 52, and the 4 per cents fell to 42 ; and then the price was merely nominal. Deprived by his violence and perfidy of those

resources, which rightfully belong only to good faith and integrity, Don Miguel was compelled to resort to forced loans and contributions ; but these expedients only produced the paltry sum of £4000.

An expedition was, however, finally fitted out to reduce the island of Madeira, composed of one ship of the line, three frigates, and seven smaller vessels, with about 2500 troops. This fleet sailed from Lisbon on the 9th of August, commanded by Admiral Henriquez da Fonesca de Souza Rego, and arrived off Madeira on the 17th.

This island, having more than 100,000 inhabitants, is not accessible except at four points, defended by forts. A landing, however, was effected on the evening of the 22d, in the bay of Machica—the forts having been occupied by the troops without resistance.

The next day they marched upon Funchal, driving in the militia of the island, and taking possession of the town after a trivial resistance, amid the acclamations of the inhabitants. Valdez, the governor, with his officers, escaped on board of a British vessel of war lying in the roads, in which they were conveyed to England. The island having been reduced thus easily, the same course of trials and condemnations was had as at Oporto ; and hundreds of the most wealthy and intelligent of the popu-

lation compelled to flee to America and England for safety.

A portion of the squadron then proceeded to the Azores, which were easily reduced, with the exception of Terceira. This island successfully resisted the efforts of the royal forces. The governor, General Cabreira, acted with decided courage—he repressed an insurrection of a portion of its population, that declared in favour of Don Miguel, and held the island for the young queen. A second expedition, sent against it in October, was even more unsuccessful, having been shattered by tempests, and returned without effecting any thing. A portion of the constitutional emigrants afterwards threw themselves into the island; and it remained inaccessible both to the intrigues and attacks of Don Miguel, down to the end of the period of which we are treating.

While these events were transpiring in Portugal, the emperor of Brazil was adopting various expedients to carry his views into effect, without resorting to actual force.

On the 3d of March, 1828, while Don Miguel was preparing to dissolve the chambers, and to abolish the charter, Don Pedro issued a decree, definitively abdicating the crown of Portugal, and appointing his brother, regent and lieutenant general to carry the decree into execution.

Afterwards, understanding that

even this did not satisfy the ambition of Miguel, he resolved to send his daughter to Europe, in the hope, that as her husband, and as actual sovereign, he would be content to reign under the charter, rather than incur the hazard of a civil war. A squadron of two frigates was therefore equipped, and on the 5th of July, at the very moment that Don Miguel, in the eastern hemisphere confirmed the decree of the cortes by which the charter was annihilated, the young queen, under the guardianship of General Brandt, set sail from Rio Janerio to carry it into effect.

Scarcely had the vessels put to sea, when the news arrived of the dissolution of the chambers, and the convocation of the cortes. This information ought to have satisfied Don Pedro, that paper edicts from the other side of the Atlantic, would not suffice to regulate the affairs of Portugal, or to repress the eccentric movements of a fanatic and uncontrollable faction. The contest between two opposite parties had already commenced, and nothing but force could determine the result. Instead, however, of retiring with a good grace from the contest, or of preparing for its decision in the only manner, in which such a dispute between governments could be settled, he issued another edict, in which he denominated himself the father and guardian of the legitimate queen, and endeavour-

ed by exhortations, to recall his brother, and his adherents, to the path of loyalty, and constitutional government. His ministers, as we have already stated, went further, and sanctioned, by their manifestoes, the revolt at Oporto.

That revolt being quelled, Don Miguel felt his apprehensions on the side of Brazil dissipated; but the arrival of Donna Maria at Gibraltar, on the 2d of September, inspired him with fresh inquietude. It was understood, that the commander of the squadron had received orders to land her at Livourne, or at Genoa, and that the emperor of Austria had directed the prince Kinsky to proceed there to receive the young queen, and to conduct her to Vienna, where her education was to be finished. In that court—or receptacle for the young disturbers of thrones, she was to have been placed under the same government with the young Duke of Reichstadt, and would probably have occasioned as little disturbance to the usurping king of Portugal, as the son of Napoleon does to the legitimate monarch of France.

The Brazilian consul at Gibraltar prevented the execution of this scheme, by sending out some small vessels to inform the commander of the squadron, of the posture of affairs, and directing him to stop in the strait.

A consultation was then held on board of the frigate *l'Imperatrice*; and it was determined to despatch the other frigate to Brazil, to inform the emperor of the consummation of his brother's usurpation, and to proceed in the other, with the young queen, to England.

She was received by the British government, upon her landing at Falmouth, with the most marked attentions; and the Portuguese emigrants crowded around her with the greatest enthusiasm.

The feelings of the British nation were warmly enlisted in her behalf; and the most sincere indications were given, that every effort within the limits of neutrality, would be made to enable her to recover the crown of Portugal.

This disposition, however, did not induce the government to commit itself by any overt act of hostility. Its policy did not justify a thorough espousal of the liberal party; and this neutrality was so strictly observed, that the Portuguese emigrants, who were established in depot at Plymouth, were prevented from organizing an expedition against Don Miguel. They afterwards were permitted to depart, upon the assurance of the marquis de Palmella, that they should not be directed against Portugal; but they determined while at sea, to throw themselves into Terceira. A British squadron had been sent

by the government, which felt suspicious of their real destination, to prevent this breach of neutrality ; but an American vessel succeeded in landing about three hundred, and by some other additions, the garrison was augmented to three thousand five hundred, so as to enable it to bid defiance to the power of Miguel.

The arrival of the young queen in Europe, while it produced a great sensation in England, was not without effect in Portugal.

Some symptoms of inquietude appeared in the provinces, and guerilla parties in the north caused apprehensions of a new insurrection. These, however, were easily suppressed, and the apostolic party, in order to place its ascendancy upon a sure basis, undertook to form loyal associations, or clubs of absolutists, in the various communes and villas in the provinces. They had already reaped the benefit of this expedient, during the late revolt, from the associations in Lisbon, and they wished to augment the support by extending the associations over a wider field. A decree of the 16th of October, authorized the creation of these societies, and empowered their officers to arrest, and bring to trial, any one suspected of being a liberal, or a free mason. With the view of stimulating their zeal, a premium on convictions was given by awarding to the judges a share of

the fines and confiscations. The governors of the provinces were ordered to forward the formation of these associations, which were regarded as the best defence of the altar and the throne ; and the unfortunate population of Portugal were, in this manner, subjected to the rigours of a self-erected police, whose activity and vigilance were stimulated by fanaticism, and who extended their surveillance to the minutest affairs of domestic and social life.

This system succeeded in augmenting the misery of the kingdom, and in filling it with distress, distrust, and terror. Perhaps in no part of Europe, within the last century, have the effects of despotic power and fanaticism been more fully developed than here. Commerce languished ; capital was withdrawn from the kingdom ; public credit was destroyed ; and all who fell under the suspicions of the government, were incarcerated in prisons, where confinement was equivalent to the punishment which awaited conviction.

When the truth shall be brought to light, the scenes that have lately transpired in Portugal, will show that the age of historical tragedy has not yet gone by. Some of the prisoners were murdered on their passage from one prison to another ; and such were the cruelties exercised in some of those abodes of suffering, that the prison-

ers, in despair, sought to provoke the guards to relieve their misery by death.

This rigour had nearly produced another insurrection at Oporto, where the people were with difficulty retained in subjection to this oppressive tyranny; and another at Lisbon, where, on the 9th of January, 1829, an extensive conspiracy to overturn the government was detected, and those engaged in it punished by death. The public mind throughout the kingdom, however, was not yet prepared for its overthrow; and no indications were given of aid from abroad, to enable the people to drive from this beautiful land the absolute faction.

It was manifest that, aided by the direct countenance of Spain, and by the secret encouragement of the French ultras, it had triumphed over the charter and its adherents, in spite of the support of Brazil, and the wishes of Great Britain. The liberal party had not dared to act with the decision and energy of their opponents.— They had been repressed by their regard for the principles of national and constitutional law; as well as by the contradictory principles influencing the policy of the British government; while the others had pressed forward to the attainment of their desires, unscrupulous as to the means, and regardless of consequences.

While England, hesitating to place herself at the head of the party, which contended for the establishment of constitutional monarchy, stood aloof, and shrunk from using the tremendous power which was placed in her hands, by the discontent and disaffection prevailing both in France and Spain, against their governments; the jesuits and ultras of the former, and the apostolics and absolutists of the latter, fomented the tumults and rebellions in Portugal, and finally succeeded in overthrowing the constitution, and erecting an absolute throne on its ruins. How long this despotism is to last; how long this portion of Europe, favoured alike by position and climate is to endure this system of tyranny and misgovernment, are questions which futurity alone can determine.

The Emperor of Brazil has declared, that he will not submit to the usurpation of Don Miguel, and that he will maintain the rights of his daughter by arms; and it is not probable that Great Britain will silently acquiesce in the loss of her influence over Portugal, and in the triumph of her continental rivals. These matters, however, as yet, belong to the future.

The relations between Don Miguel and those kingdoms are still unsettled; but enough has not at present transpired to enable us to continue the history of Portugal.

CHAPTER XVIII.

MEXICO.

General view of Spanish American States—State of parties in Mexico—Montano's plan of reform—Bravo declares in favour of it—Banished—Pedraza elected President—Santa Anna revolts—Revolution in Mexico—Guerrero declared President—Expulsion of Spaniards—Invasion of Mexico—Finances—Commerce.

THE condition of the infant states of the American continent has been hitherto so much disturbed by revolutionary movements, that the full influence of the change in their relations with Europe seems rather to be anticipated than felt. The arbitrary government of Spain has been succeeded, by that of the sword. One violent revolution has been followed, by another equally violent. Military chieftains called to preside over the political destinies of their respective states, have only afforded temptation, and the opportunity, by their absence from the army, to their rivals to force them from their places; and the chief station in the state is scarcely attained, when its occupant is displaced by some new Emperor. We hear indeed of conventions assembling for the formation of constitutions; but their provisions are scarcely promulgated, ere a new arrival informs us of their over-

throw, and the establishment of some novel political code. These indications of confusion, together with the accounts from all these infant states, of disregard of law, forcible depositions, executions, banishments, and ruined public credit, lead us to the conclusion that their revolution is still progressing, and that many years must elapse before their governments can assume a settled form. Let it not, however, be imagined, that the long and bloody contest which they have sustained with Spain has been in vain. If we regard only the transitory governments, that have been substituted for the colonial viceroalties, and captain generalships; or even inquire into the state social and political of the people in general, but little may seem to have been gained. No precise ideas are as yet entertained of the nature of civil or religious freedom. The crowd are as yet frantic with

revolutionary excitement, and consider political liberty as only a privilege to avenge themselves upon their ancient oppressors, or at most as an exemption from the restraints of the old colonial system. The natural effects have flowed from the abuses of the papal church, and what has been lost to superstition, has been gained by infidelity.

But viewing the present as the parent of the future, we perceive in the overthrow of the old system, and in the compulsion of the moral and political elements which produced that result, a preparatory process certainly calculated to lead to the most beneficent changes in their condition.

The principles of government may still be arbitrary, but they are carried into effect by their own countrymen. The will of the community is more felt in the policy of the government.

The fiery trials of the revolution have compelled them to think. They have been taught by bitter experience, the salutary lesson, that civil government is a matter in which they have an interest. And this important truth, co-operating with the actual evils under which they are labouring, has awakened them from their slumber of sloth and slavery ; and they give, by these very revolutions and commotions, demonstrative proofs of their augmented capacity for self-government.

The abolition of slavery throughout these new republics ; the emancipation of the aboriginal race ; the establishment of schools in various provinces, and of printing presses and newspapers in the seaports and capitals ; the access obtained partial, as it may be considered, for the holy scriptures to catholic communities ; the influence of commerce, and of an unrestrained intercourse with the Anglo-Saxon race, whether of New or Old England ; and above all, the stimulating example of the United States, always before their eyes :—these are auguries full of promise as to the coming age. When we look back to the time when the Inquisition extended its sway over the Spanish colonies, and exercised its infernal powers at Lima, as well as at Madrid ; when we see those who governed its councils aiming with dubious prospects of success, to re-establish it in the enlightened atmosphere of christianized and civilized Europe : we can scarcely believe that the period has arrived, when at Bogota, a bible society is instituted in the principal Dominican convent, with the open approbation of its spiritual head ; or that at Lima, the Dominican college is appropriated to a central school, in which the New Testament is used as a school book.

These are striking proofs of the conquest already achieved over the prejudices of the people ; and

though there is abundant cause to regret, that the Spanish republics did not move in the march of revolution with the same governed and well regulated movement that characterized our own revolution, no unfavourable conclusions ought to be drawn from this circumstance, as to their capacity for self-government. The organization of a free government over a people long accustomed to arbitrary sway, is always attended with difficulties and domestic commotions. The farther removed the principles and institutions, to which they have been subjected are from the systems which they aim to establish, the greater are the obstacles interposed to the accomplishment of their wishes. It is comparatively easy for men suffering under obvious and manifest oppression, to rouse themselves to active resistance against their oppressors. The passions are prompt advisers, and nothing but undistinguishing force stimulated by fury, is required to overturn a government. But to establish free institutions; to provide political checks and balances; to guard against the abuses of that power, which must be somewhere vested to preserve the community from confusion and anarchy—these require sagacity, experience, disinterestedness, forbearance, and all those qualities, which are rarely to be found in the leaders of a revolution. The more intolerant and

cruel the tyranny which has provoked the rebellion, the less probability is there of finding this rare combination of qualities in its promoters. The most abject slaves are always the least fitted for freedom; and the same rule is as applicable to nations as to individuals.

We are disposed to give full weight to these considerations, when speculating upon the ability of the South American states to sustain their free institutions; and not to draw unfavourable conclusions because their revolutions did not as our own did, at once subside, after the expulsion of their invaders, into a settled and well regulated government. However marked and striking may be the contrast between the termination of our revolution and theirs, it cannot be more so, than were the situation, the character, and the motives, of the respective parties to those contests. While the inhabitants of the Spanish colonies were suffering under the complicated despotism devised by the united wisdom of the inquisition, the court at Madrid, and the councils of the Indies; our ancestors were in the enjoyment of a representative government, religious toleration, and of a high degree of civil freedom. Our institutions were founded upon the broadest principles of democracy: and a strong predilection for political equality, and a stern spirit of

independence, were so strongly prevalent among the Anglo-American colonists, that an acute observer of society must have foreseen, what actually happened, that an encroachment upon their rights would be resisted upon principle to the death. Usurpation would be met *in limine*, and "the approach of tyranny scented in the tainted breeze."

The revolution which separated us from England, was rather a successful resistance of the first attempt to enslave us, than an emancipation from slavery. The spirit of the colonists had not been broken, nor their character degraded by ages of debasing servitude; but, as vigorous and uncompromising as when their fathers first founded political institutions for the preservation of civil and religious freedom on this continent, it readily responded to the call to arms, upon the first encroachment upon their rights.

The views and interests of the colonists were in unison. They were not divided into different castes, with various privileges. They had no landed nobility, nor monkish orders, with immense possessions. All these motives to civil dissensions were removed. There were indeed party divisions, and in some instances, these disputes, as in Massachusetts and Pennsylvania, struck at the very existence of social order; but the numbers of the dis-

affected were comparatively small: though it is impossible to imagine in what these movements would have resulted, had it not been for the prudence of Washington, and the unlimited confidence,—a confidence honourably acquired, and never abused, reposed by his countrymen in his virtue and character.

No fair comparison, therefore, can be drawn between the revolutions in Spanish America and our own. The disadvantages, under which they labour, are incomparably greater. Besides, there are inherent defects in the structure of society in those states, to which most of the internal commotions may be attributed. The want of education in the mass of the community, of course, is one great cause of the irregular movements of the machinery of their governments: and among the better educated, the Catholic clergy, with rich endowments; the mining proprietors, with extensive landed possessions, and accompanied with a species of feudal privileges; and the great number of native Spaniards, connected with the mother country, by ties of blood and interest, constitute a majority all hostile, although from various motives, to the establishment of liberal institutions, and immediately interested in perpetuating many of the abuses which led to the revolution. In a more enlightened community, these subjects of dispute would have

been brought to the test of discussion ; and the feelings which there break out in civil commotions, and revolutions, would have been exhausted in the field of argument. But among a people unaccustomed to reason, force can be the only arbiter in political dissensions. It is, therefore, not surprising that since the expulsion of the royal forces from Spanish America, the new republics should have been convulsed by domestic broils, and that their governments should have proved unstable, and subject to sudden revolutions. These are but the subsiding of the waves,—lashing themselves to rest after a storm, which has disturbed the ocean to its profoundest depth. Their condition, unsettled as it is, is still vastly improved from their colonial state, and their future prospects are bright and encouraging. Their colonial bonds are severed, never to be renewed. The same event which has opened their ports to the commerce of the world, has also brought them within the intellectual, the moral, and the political influence of the more enlightened nations of Christendom. Their governments are instituted by the native population, and although more or less subject to military control, they are founded upon the principle of popular representation.

Ecclesiastical prejudices, and hostile interests, may still interpose some obstacles to the progress of

truth and freedom ; but whoever dreams that their course can be arrested, or that the awakened energies of nations, who have by their own efforts burst their bonds, can be repressed, may indulge the fear that their ancient despotism will be renewed, and that twenty millions of native Americans will be brought again to bow beneath the yoke of the degraded monarchy of Spain. They are yet untaught, but they are scholars in the great school of freedom, where our ancestors have been teachers ; and lips that have been once accustomed to lisp that glorious lesson, can never be compelled to recur to the degrading tasks imposed by bigotry and despotism.

The republic of Mexico, from its proximity, its wealth, and its power, naturally falls first under our observation.

The events which we are about to notice embrace a period of about two years, commencing in July, 1827. Before we enter upon these, it will perhaps be expedient to refer briefly to the state of politics at that time.

We have in our former volumes alluded to the two great political parties existing in Mexico, which have struggled for power with alternate success. They bear the respective appellations of *Escoceses* and *Yorkinos*. The *Escoceses* may be considered as the aristocratic, and the *Yorkinos* as the democratic

party. The former are accused of a strong bias in favour of Spain and European systems ; the latter of being too much influenced by their attachment to the institutions and interests of the United States. Both parties are masonic. The *Escoceses* is the oldest, having been established immediately after the revolution. It is composed of the ancient nobility of the country, large landed proprietors, and men of wealth and rank generally, who fearful of not being able to maintain their influence under a free government, found it necessary to unite together for their common interests, and therefore established themselves under a masonic institution. The name *Escoceses* is derived from the circumstance of the order being of Scotch origin. The old Spaniards generally belong to this party ; and perhaps their protection of this class, has been among the primary causes of their downfall and the ascendancy of the other party.

The *Yorkino* party was organized in 1825. A number of individuals of moderate views, and attached to the federal constitution, being apprehensive lest the growing power, and well known principles of the *Escoceses*, might lead to the establishment of a monarchical form of government, or even to the renewal of a connexion with old Spain, associated together to form an opposition party. Ac-

cordingly, through the medium of Mr. Poinsett, the American minister, they obtained from the Grand Lodge of New-York charters for the establishment of branch lodges in Mexico. It was from this circumstance that they took the name of *Yorkinos*. They increased rapidly in numbers and power, and soon became known as the party of the people, or the democracy, in opposition to the *Escoceses* or aristocracy of the country. In the civil commotions which have since taken place, these two parties have been almost uniformly found arrayed against each other.

Nothing of very great importance occurred in Mexico during the summer of 1827. There were a few slight disturbances in some of the provinces, but these were easily quelled. The state of Vera Cruz, which was under the control of the *Escoceses*, appears to have been the most disposed to faction and rebellion. Their acts, however, only recoiled upon their own heads. The expulsion of Esteva, the intendant of marine, on the ground of his being a *Yorkino*, excited the greatest indignation in all parts of the country ; and the accusation against Mr. Poinsett was triumphantly refuted by him, and being disseminated through the country, created a great reaction in his favour, and a friendly feeling towards the United States.

On the 31st July, Colonel Rin-

con at Vera Cruz declared against the state authorities; and although denounced by the government, continued in open rebellion until the appearance of General Guerrero from the capital, with adequate powers to restore order. He issued an address to the garrison, when Rincon and his followers submitted without resistance.

In the mean time the excitement against the Spaniards continued to increase, and various appeals were made to the government for their expulsion from the country. No open acts of violence were, however, committed; and all parties professed the utmost loyalty to the government of the republic. Every thing continued tranquil during the months of September, October and November.

One great object of the Yorkino party, and for which they continued strenuously to contend, from the time of their organization, was the expulsion of the Spaniards from Mexico. In fact, the classes of which this party were composed, that is to say, the lower orders of the people, had been clamorous for this measure, from the time of the revolution. Nothing decisive, however, was done until early in December, 1827, when a resolution for the expulsion of the Spaniards passed the national congress. This proposition was received with great joy by the populace, who supposed that it would become a

law. The Spaniards also became alarmed, and began to leave the country in great numbers. But on the 21st of December, the senate rejected the decree. As soon as the rejection became known throughout the country, it created great dissatisfaction, and in many places produced open violence. At Puebla, a body of the citizens joined together, and proceeded to attack and plunder the Spanish merchants. They were finally overpowered, but not until several lives were lost.

On the 23d of December, Don Jose Manuel Montano published, at Ottumba, his "plan" for the reformation of the government. The principal features of this plan were, the suppression of secret societies; an entire change of the officers of state, placing in each department men of acknowledged virtue and talent; the President to order his passports to be given immediately to the minister of the United States, (Mr. Poinsett;) and that he should enforce scrupulously, and vigorously, the constitution and laws.

The first article of this plan excited, as might be expected, the decided opposition of the Yorkinos, and they were alarmed that it did not appear equally obnoxious to the Escoceses. There was no reason why the article, abstractly considered, did not equally militate against the interests of both parties; and yet the latter appeared to be

secretly in favour of the plan. This induced the Yorkinos to suspect, and with some reason, that the plan of Montano had a monarchical tendency. The truth seems to be, that the Escoceses, finding their power on the wane, and that by forming themselves into one masonic society, they had been the means of raising up another, which would finally overpower them, would have been very willing that the masonic institution should be suppressed. This would tend to disunite the Yorkinos, while they themselves would subsequently be enabled to organize upon some other principle, and thereby secure their power. They had strenuously supported the plan of Iquila, proclaimed by General Iturbide, in 1821, and which, from the favour which it showed to the Spaniards, was supposed to be a plan to raise a throne in Mexico, and place upon it some member of the Spanish family.

The coronation of Iturbide cut short this project; but upon the fall of the Emperor, their hopes revived; and they subsequently, at various times, endeavoured to renew a policy so decidedly at war with the best interests of the American continent.

On the 8th of January, Colonel Rinero attempted to revolt against the government in favour of Montano, but his soldiers refused to join him. The President of the

Republic, about the same time, issued a proclamation against Montano, declaring him guilty of treasonable designs.

The publication of his plan, therefore, was not attended with any important consequences, until about the first of January, when General Nicholas Bravo, the Vice-President of the republic, and the Grand Master of the Escoceses Lodge, left the capital, and stationed himself at Tulancingo, about equidistant from Mexico and Tampico. From this place, he issued a manifesto, declaring himself in favour of the plan of Montano. This news created the greatest consternation in Mexico, and Bravo was declared a traitor to the government. Bravo soon collected a considerable force, and might, it is supposed, have held out against the government for a long time, had he felt disposed to do so. But whatever may have been his original intentions, it seems, he at length determined not to attempt to enforce them by arms; and accordingly, when General Guerrero was sent against him by the government, he surrendered at discretion. No resistance was made, except by two officers, one of whom, Colonel Correa, was mortally wounded. Congress ordered a grand jury to proceed with the bill of indictment against Nicholas Bravo, Vice-President of the Republic. He was found guilty of treasonable

designs against the government, and sentenced to banishment for seven years.

He afterwards published a manifesto, in which he disclaimed any intention of resorting to arms, to enforce the objects for which he declared. It is rather singular, however, that he should have put himself at the head of an armed force, when his intentions were entirely of a pacific character.

The ease with which the insurrection of Bravo, which had at first excited so much alarm, was crushed, seemed to give new strength to the government. This, with the execution of Colonel Arana, who was shot at Tezcuco on the 5th of January, pursuant to sentence, as one of those concerned in the conspiracy of Padre Arenas, secured the ascendancy of the Yorkinos; and they accordingly renewed their exertions to obtain a decree for the expulsion of the Spaniards, with strong hopes of ultimate success.

In the month of April, a decree of banishment was declared against Montano and his associates. They were exiled from the republic for seven years, to such places as should be designated by the executive. Half-pay was allowed to the military culprits. They were to be treated as outlaws, should they attempt to return to the country, before the expiration of the seven years.

The debate in the chamber of

deputies respecting their punishment, was very animated. One of the principal speakers fully defended, and applauded the plan of Montano. There was much loose speculation, and many new schemes were proposed. An important project came under consideration with regard to landed property. Some of the members contended, that a more equal distribution of property,—a sort of Agrarian law, was all that was wanting to secure the stability and permanency of the institutions of the republic. A wild spirit of innovation was manifested, at war with all established principles.

After the final suppression of the insurrections which grew out of Montano's plan, very little of importance took place for several months. The government seemed to maintain its power, and although there were several insurrections against the local authorities, these were easily suppressed, and nothing was attempted against the general government. The country was, however, far from being tranquil, and the appeals to the government for the expulsion of the Spaniards continued to increase. The country was infested with bands of robbers, which rendered travelling unsafe; and on the roads between Mexico and Vera Cruz, robberies were very frequent.

One great misfortune in this state of things, was the want of a proper person at the executive head of

the government. President Victoria was a man, who would have been well calculated for the station which he held, had the nation been in a state of tranquillity. He was generally beloved, and respected by the people; and although his election took place before the organization of the Yorkino party, yet he seemed to possess their confidence, and to give them general satisfaction in the measures which he pursued. He was, however, greatly deficient in energy and decision of character; and his aversion to shed Mexican blood, often prevented him from taking those decisive measures, which were necessary to curb the many turbulent spirits, who were engaged in sowing dissensions among the people. Consequently, he laboured under great disadvantages when opposed to a military leader, possessed of firmness, courage and intrepidity, and all those qualities which gain popularity among the soldiery and the people.

General Guerrero was universally looked upon as the candidate, who would succeed Victoria in the presidency, at the election which was near at hand. The Yorkino party, of which he was a member, were unanimously in his favour. Before the election took place, however, a new candidate for the presidency started up in the person of General Gomez Pedraza, the minister of war and marine. He

was put forward by the Escoceses, and every measure was taken by them to promote his popularity. The dividing line was thus distinctly drawn between the two parties, and the approaching contest was looked upon as the test of their strength; and as the event which would determine the complete ascendancy of one over the other. On both sides, therefore, the most powerful exertions were made to secure the election of their respective candidates. In reality, this political contest was ultimately destined to produce an entire revolution in the government.

On the first of September, the election took place; and notwithstanding the strong hopes of the Yorkinos, Pedraza was elected President of the Republic by a majority of two votes over Guerrero. As soon as the result was known, it created the greatest alarm and dissatisfaction among the Yorkinos and the people generally. The Escoceses were accused of bribery and corruption; and it was asserted that in several of the states, the election had been controlled by the military. A strong spirit of opposition was manifested, and it is probable that secret measures were taken by some of the leading Yorkinos, to excite an open resistance whenever the proper time should arrive.

General Santa Anna was destined, to make the first important

movement in the contemplated revolution. He was a young man, who had within a few years made himself very conspicuous in the affairs of the republic; and had held several important offices, although, from his extreme youth, he took no active part in the events of the revolution. He was generally esteemed by the people, and was a decided favourite with the soldiers, and well qualified for a military commander. His last office was that of Vice Governor of Vera Cruz, from which he had been lately expelled, and had taken refuge in Jalapa. As soon as he had learned the result of the election, he contrived to seduce the troops stationed at Jalapa, to the number of about 500; and on the night of the 10th of September, he left Jalapa for Perote, taking with him about \$60,000 of the public money, together with all the cannon and military stores. He arrived at Perote on the 12th, and succeeded in obtaining possession of the castle, which had a garrison of about 300 men. Here he intrenched himself, and immediately issued a manifesto, entitled the "address of the liberating army to the people of Anahuac." It set forth, that the legislature were secretly in favour of the plan of Montano, and were plotting against the liberties of the people in favour of the Bourbon dynasty: that General Pedraza had by his acts, both as

minister of war, and previous to his appointment to that office, shown himself inimical to the interests of the people: that he had obtained his election by fraudulent means, and was elected contrary to the wishes of the majority; and that it was the wish of the people that General Guerrero should be placed at the executive head of the government, as being the man of their choice. He therefore proposed a "plan," consisting of the following articles: 1st. That the people and army annul the election of General Pedraza. 2d. That the Spanish residents be expelled. 3d. That General Guerrero be declared President of the Republic: and 4th, That the legislature proceed to a new election. The 5th was a statement, that they wished to avoid the shedding of Mexican blood, except in self-defence. It concluded by professing obedience to the government of President Victoria, but insisting upon a compliance with the above articles.

Perhaps this movement may be considered rather premature, inasmuch as the election would not be officially announced until the first of January; and it was supposed that the chamber of deputies would contest the votes of several states, on the ground that they had been obtained by military violence; and if these votes should be declared illegal, a new election would be necessary, in which event

General Guerrero would in all probability have been elected. It was said, however, that Santa Anna acted according to the instructions of the Yorkino Lodge, and that their aid and co-operation had been promised him.

Upon the receipt of the intelligence of the insurrection at the capital, a decree of outlawry was passed against Santa Anna, and a strong force sent against him, under the command of General Rincon. President Victoria, at the same time, issued a manifesto, in which he exhorted the people to resist the attempt at a "perfidious revolution," and to assist in maintaining the constitution and laws.

This appeal, however, had but little effect, as the people were generally prejudiced in favour of Guerrero and Santa Anna, and were also in favour of most of the features of the "plan" of the latter, particularly that which regarded the expulsion of the Spaniards. Several of the states, it is true, declared against Santa Anna, and seemed disposed to assist the government. But on the other hand, powerful interest was making in favour of his views and in support of Guerrero. The Governor of the state of Mexico, Lorenzo de Zavala, who, on the election of Pedraza, had cautioned the government against the consequences, became suspected; and was, on the first of October, formally accused of trea-

sonable designs against the government. On the 5th October, the senate decided, that sufficient grounds existed for putting him on his trial. Information was brought to Zavala at Halpan, on the same evening; and he was advised to resist the decree. On the following morning, his house was surrounded by a body of troops, the commander of which summoned him to appear at the capitol. After consulting with his friends, he resolved to disobey the summons; and accordingly made his escape, and fled to a small village near the mountains. This may be considered as his first espousal of the designs of Santa Anna. He was pursued by General Filisola; and being in danger of being seized, he fled from thence to the capital, where he was concealed in the house of a friend. Here he joined those, who were concerting measures for the revolution, which was now fully determined upon.

Every thing being prepared, on the night of the 30th of November, a battalion of militia, under the command of Don Jose Manuel Cadena, assisted by the artillery regiment of Tres Villas, under the command of Colonel Santiago Garcia, took possession of the barracks at the Acordada, surprised the guard, and seized the guns and ammunition. They then signified to the President their determination

to compel the congress to pass a decree for the expulsion of all the Spaniards. On the following morning, they were joined by General Lobato and several other officers, together with a vast multitude of the citizens and Leperos, to whom General Lobato promised the pillage of the city of Mexico, as the reward of their services. Zavala had not yet appeared, but learning that General Guerrero was at Santa Fe, only a few miles distant, and would soon make his appearance among them, he also openly joined the insurgents. Their numbers being thus greatly augmented, they acquired confidence, and proclaimed Guerrero President.

The regiment which remained faithful to the government was reinforced on the same day, on the arrival of General Filisolo, with a detachment of cavalry.

The reluctance manifested by General Victoria, to take any measures to quell the insurrection, excited the suspicion of the Escoceses who accused him of acting under Yorkino influence. Congress therefore refused to intrust him with extraordinary power, and even called upon him to exercise those which he did possess.

The whole of the 1st of December was spent in discussions and negotiations. On the second, the government alarmed at the progress of the insurrection, found it necessary to take active measures

to resist it. The regiment of Tolnea, commenced an attack upon the insurgents, and succeeded in driving them from several places, of which they had possessed themselves. But in the course of the day, they were joined by Lieut. Colonel Camacho, of the 8th regiment of cavalry, with a large body, and also a great number of men from the neighbourhood of the capital, and the contest was resumed and kept up until a very late hour at night.

The arrival of General Guerrero, on the third, seemed to infuse new confidence and vigour in the insurgents. Being also reinforced by a body of three hundred men from Halpan, they renewed the attack, and succeeded in regaining all the posts which they had lost, after a sharp contest, in which Colonel Garcia, with several other officers, was killed. The regiment of Tolnea, lost about four hundred men, and the loss on the part of the insurgents, was very great. General Lobato, who displayed great bravery in the northern part of the city, was intrusted with the command of the citadel, and Governor Zavala, with that of the Acordada.

On the night of the third, General Pedraza, who had not taken any active part against the insurgents, made his escape from the capital. The Escocese senate, also fled, leaving the president with the heads of

the other departments to resist the insurgents. This intelligence was communicated to the adherents of the government on the morning of the 4th, and produced the greatest consternation among them. They still, however, continued to resist with great resolution; but toward the close of the day, were finally overpowered. Lieutenant Zavala immediately waited upon the president to arrange the terms of a pacification, but nothing was accomplished, except the appointment of General Guerrero, as minister of war and marine, in the place of General Pedraza.

In the mean time, the troops and Leperos, in accordance with the promise of General Lobato, abandoned themselves to the pillage of the city. Their principal operations were directed against the Parian, or great commercial square which was completely plundered of every thing valuable. Mexico presented the appearance of a city sacked by a foreign enemy. Several assassinations, and other excesses, were committed. The pillage continued for two days, at the end of which time, General Guerrero succeeded in restoring some degree of order. The loss of property plundered was estimated at 5,000,000 dollars.

Thus in the short space of five days, was a civil war begun, and ended, and a revolution effected, in which the rebellious party were

successful. The result secured the triumphant ascendancy of the Yorokino party.

On the 27th December, order was finally restored. General Victoria formally resigned the Presidency, and retired to a country seat near Vera Cruz, declaring it to be his intention henceforth to live as a private citizen. General Pedraza had previously left the Republic and gone to Europe. The insurrectionary movements, which had commenced in several of the states, soon subsided. Vera Cruz had declared against Santa Anna, but on the 28th of December, there was a general diversion of the citizens and soldiers, in favour of Guerrero, to which the government found it necessary to submit.

In the mean time, General Santa Anna, who had been besieged by Rincon, in the castle of Perote, and not being able to hold out against him, succeeded in effecting his escape, and fled to Pajerea. Here he was besieged by General Calderon. He continued, however, to hold out until he learned the result of the revolution in the capital; when, knowing it would be of no consequence to continue a longer resistance, he entered into a capitulation, and surrendered himself to General Calderon. It was, however a mere matter of form, as General Calderon was immediately recalled, and Santa Anna appointed in his place, to the command of

the very army, to which he had surrendered.

On the 18th of March, a decree of amnesty was passed in his favour, and he was appointed Governor of Vera Cruz. He was received there with the most flattering demonstrations of joy, and a splendid ball was given in his honour.

The first act of the chamber of deputies upon their meeting in January, was to contest the votes of the states of Oaxaca, which had been given to Pedraza. They were declared to have been illegally obtained, and General Guerrero, having received the greatest number of legal votes, was declared to be the President elect of the Republic.

Mr. Poinsett was accused by the Escoceses of having taken an active part, in bringing about the revolution. There does not seem to be the slightest foundation for this accusation, except that Mr. Poinsett was a friend to the federal constitution.

As soon as the government became settled, the excitement against the Spaniards again broke out, and a decree for their expulsion was loudly called for by the people. At length, they succeeded, and on the 18th of March, Congress passed a decree for the expulsion of the Spaniards.

This decree included all those born in countries then under the dominions of Spain, with the excep-

tion of Cuba, Porto Rico, and the Philippines; and also, the children of Spaniards born at sea. This apparently singular clause, was inserted for the purpose of getting rid of some persons, who were peculiarly obnoxious to the government; it excepted those who were physically impeded, while the impediments should exist. They were to quit the state or territory in which they resided, within one month, and the republic in three months. Those unable to pay their expenses, were to have them paid by government to the nearest port of the north, under regulations of the strictest economy. Those Spaniards receiving stipends, were to have them continued, provided they settled in republics friendly to Mexico. The law of the 20th December was repealed, except the clause prohibiting the introduction of Spaniards into the republic.

The policy of this procedure has undergone much discussion, and will admit of much more. On the one hand it has been contended, that the expulsion of a great body of men, with an immense capital, from the country, would be a dreadful blow to the prosperity of the country, not unlike that which resulted from the expulsion of the Moors from Spain. On the other hand, it is asserted with equal plausibility, that as the class of people expelled were continually sowing dissensions, and exciting rebellion

against the government, the republic could not hope for peace, until they were driven from it. The true method of settling the question seems to consist in the application of the old adage, although which is the greater of the two evils is very difficult to determine.

On the first of April, General Guerrero was inducted into the presidential chair, and took the oath of office. Every thing was conducted with the greatest order, and the popularity of the new president seemed to guarantee the future tranquillity and prosperity of the republic. General Bustamante, the former Vice President, was continued in that office. Zavala was appointed secretary of the treasury, the former secretary having resigned; Bocanegra, secretary of state; General Santa Anna, commander-in-chief of the republic, and Don Juan de Dios Canedo, minister to the United States.

On the 9th of April, a bill was introduced into the senate, to extend the time, when the expulsion of the Spaniards should take place to December 1st, which was there passed. It was then sent to the chamber of deputies, by whom it was rejected, and one substituted allowing the government to extend the period to six months to such Spaniards as it thought proper.

General Lobato, who had taken so conspicuous a part in the revolution, died at Guadalajaura on the

7th of March of a fever. He was generally beloved and his death, was much lamented by the Mexicans.

During the month of April, the small pox broke out in Oaxaca, and made great ravages. The country was also infested with robbers, who committed many depredations and excesses.

The last event of any importance, which comes under our notice is the expedition under the command of General Isidor Baradas, which was fitted out at Havana against Mexico during the months of May, June and July, 1829. The intelligence of the intended expedition, however, excited but little apprehension in Mexico; and it was generally regarded with contempt, on account of the smallness of the number composing it. The whole number of men, including soldiers, sailors, marines, &c. amounted, according to the statement of the Spanish commander, to about 7000. It was supposed, that the expedition would depart from Havana about the 1st of July, and that Vera Cruz would be the first point upon which an attack would be made. General Santa Anna was at the head of an army of 12,000 men at Tuspacu to receive them. On the 5th of July, the expedition left Havana. The troops were landed near Tampico about the 1st of August, but were totally defeated in a very short time by the Mexican army,

and the expedition completely failed.

The Texas.—It is pleasant to turn from scenes of civil commotion, turbulence and bloodshed, to those of a more calm and pacific character. The province of Texas has, through its fortunate location, and the small number of its inhabitants, been entirely exempt from the disturbances which have distracted all the more populous parts of Mexico. About seven or eight years previous to the present period, a number of enterprising individuals founded a colony in the fine country bordering on the Rio Grande. They were nearly all emigrants from the United States, and the colony now numbers from 10 to 15,000 souls.

On the opposite side of Texas, another colony is fast rising into importance. Two hundred families are already settled on the alluvion of the Red River, near Arkansas. The lands yield astonishing crops of cotton, tobacco and corn. Innumerable herds graze on the elevated prairies, and the mountains are known to contain the precious metals in great abundance. The colonists are to be exempt from taxation, and the merchandise they import will pay no duties.

Treasury.—During all the period which we have noticed, the finances of Mexico, were in a most deplorable state. The most improvident loans

were contracted at different times: but even these were inadequate to meet the expenses; and the continual disturbances which were taking place, prevented the providing of means to pay the dividends: and although latterly the minister published repeated advertisements for loans, few were found willing to contract. A loan was offered by the agent of the Barings, in October, 1828, on the security of lands in Texas, but the offer was subsequently withdrawn.

Commerce.—The commercial policy of Mexico is illiberal, and at variance with the freedom of trade. A new tariff was instituted in December, 1827, imposing heavy duties upon imported articles, of various descriptions. Exports were left free of duty, with the exception of gold and silver, the duty upon which remained the same as that imposed by the provisional gubernatorial junta, in 1821. The gold and silver bullion in bars, lumps or ingots, which might be transported from the interior to the seaports of the republic, were required to be numbered, and to bear a mark indicating their weight and alloy, and that they had paid the tax of one fifth; or showing in such other manner as the several states, or the general congress, should direct, with respect to the districts and territories, that they had paid the duties above mentioned, as well as those on mines. The export duty was

fixed at seven per centum ad valorem.

Naval.—The navy of an infant nation will always be found to be in an imperfect, feeble, and inefficient state, and none can be maintained where the navigation is carried on in foreign bottoms. That of Mexico forms no exception to this rule.—Commodore Porter joined the Mexican navy upon his suspension from that of the United States, under strong hopes of being able to become serviceable; but even the talent and skill of such an officer, were insufficient to surmount the numerous obstacles which presented themselves. The only naval action of any note, that took place during the period which has fallen under our notice, was that between the Mexican brig of war Guerrero, mounting 22 guns, and 136 men, and the Spanish frigate Lealtad, of 54 guns, and 500 men. The action took place on the 14th of February, 1829. The Lealtad was superior in every respect, and had put to sea in pursuit of the Guerrero. After a most gallant defence, which lasted two hours and twenty minutes, more than half the time the vessels being within pistol shot of each other, the latter was captured. Her brave commander,

Captain David H. Porter, (nephew of the Commodore,) was killed in the engagement. The courage displayed in the defence of the Guerrero, created throughout the Mexican states, a desire to improve and increase the naval force. The citizens of Vera Cruz opened a subscription in order to build a brig exactly like the Guerrero, with the intention of presenting her to the government. Nothing, however, was effected.

In July, the crews of the whole Mexican squadron which lay in ordinary at Vera Cruz, (consisting of the Congress, Libertad, Victoria, and Bravo,) were discharged. The Commodore, after repeated applications to the proper authorities, soliciting the payment of his seamen's wages, finding his requests unattended to, at length, on the 28th July, ordered his flag to be hauled down, declaring himself no longer able to support it. This example was followed by the remainder of the squadron. Almost all the foreign officers in the service tendered their resignations, and retired without being able to obtain their pay; but received certificates in lieu thereof, many of which were sold at a great depreciation.

CHAPTER XIX.

COLOMBIA.

Preliminary Remarks—Election of Deputies—Convention at Ocana—Dissolution of Convention—Bolívar proclaimed Supreme Chief—Conspiracy against Bolívar—Trial of Santander—His banishment—General remarks on the same—Decree of Bolívar, calling constituent Congress—Designs of Bolívar—Historical account of his abdications—Conclusion.

AT the close of the year 1827, Colombia, happily escaped from the impending horrors of a civil war, remained apparently tranquil, and under the joint administration of Bolívar, and Santander, seemed destined to assume a permanent station among the nations of the earth. The insurrection of Páez, had been attended with no visible bad effects; and the prompt, decisive, and at the same time, moderate conduct of the Liberator, had again directed the devious and hostile interests of the country into one uniform current, that now flowed on smoothly towards the meeting of the grand convention, which was appointed to assemble at Ocana, on the 2d March, 1828.

Yet under all this seeming calm, there was, to the acute observer, too much cause to apprehend that the flames of discord were but

temporarily smothered, and that sooner or later, they would burst forth with increased fury.

The year 1828 was destined to verify these mournful presages, and may be considered as an unfortunate æra—*annum nefastum* in the history of Colombia.

One of the last acts of the extraordinary session of congress, was the decree of September 24th, continuing in force the regulations of the Liberator in the east.

After the termination of the session, Bolívar remained at Bogotá, governing with full sovereignty in the north, with Páez for his second; while the south returned to its former allegiance, to the constitutional powers of the nation; the centre, meanwhile, remaining firm in its adhesion to the general law.

The conduct of Bolívar was still of an equivocal character; and the

friends of the constitution entertained serious apprehensions, of a design to force the Bolivian code upon Colombia. This constitution was the favourite child of his imagination ; he had pronounced it his " confession of political faith ;" he had staked upon it his hopes of fame as a legislator ; and without some disclaimer or renunciation, there was good ground for the apprehensions.

We would not willingly doubt the sincerity and patriotism of one, whose character and services have won for him the glorious title of Liberator of Colombia—whose very title, a title conferred upon him by the spontaneous voice of a grateful people, expresses far different feelings from those which actuate the usurper and the despot ; and whose past history is so intimately connected with the annihilation of monarchical sway. But clouds have gathered around his fame ; and although our province is that of contemporary history, and confined to a limited period, yet within that time recent events have occurred, too nearly confirming the forebodings of the true friends of the republic.

Whatever suspicions were at this time entertained of the ulterior designs of the Liberator, his opponents did not on that account place any obstacles in the way of his administration of the executive department of the government, but seriously

and industriously applied themselves to the procuring a proper representation in the coming convention, to which all eyes were anxiously turned.

On the other hand, intrigue was busily at work to defeat the honest wishes of the people ; and the most unjustifiable measures were resorted to, to secure a majority in the convention in favour of the Liberator.

Whole provinces were proclaimed under martial law ; and under the pretence that 12,000 Spanish troops were in the Canary Islands, ready to embark and invade the country, orders were given for a new levy of 16,000 men. The people were terrified by the most alarming reports, and falsehoods circulated by the partizans of Bolivar ; and respectable heads of families and distinguished patriots, were banished and proscribed, without any known cause. In the southern departments every thing was conducted at the point of the bayonet. The people, however, were intractable, and the elections terminated in the choice of a large majority of determined patriots.

While this struggle was going on in Colombia, the Bolivian code had met with opposition in Bolivia itself.

This affair excited the most lively uneasiness in the mind of Bolivar, who found himself thus stripped of all his imaginary honours as a legislator, at the same time

that Colombia herself had refused to submit to his arbitrary guidance, and had, notwithstanding his efforts, elected a majority opposed to his views.

He no longer desired the convention, which he had before declared was to "save the republic;" and his whole aim now was to destroy that body, and invalidate any measures they might adopt.

Previous to the meeting of the convention, under the pretence of intestine commotions, he invested himself with extraordinary powers, —dividing the executive powers among five of his own creatures, whom he designated his council of ministers, while he himself determined to visit the northern departments.

The convention was attacked before it was yet installed, its legitimacy questioned, and the whole country filled with suspicions and inquietude.

At Bogota a portion of the battalion of Vargas, headed by Colonel Ignacio Luque, broke open the office of a liberal paper, called the *Zuriago*, took from it all the copies of the first number, and burnt them with a solemn *auto da fe* in front of the shop.

They also, in company with Colonel Ferguson, an Englishman, and aid-de-camp of Bolivar, attacked the office of a paper called the *Incombustible*, beat the workmen, and threw the types into the river.

Colonel Bolivar, one of the body guard of the Liberator, made a personal attack upon Doct. Azuero, one of the deputies to the convention.

Private correspondence was violated; and emissaries of the government, prompted by the hope of reward, made the most infamous accusations against obnoxious individuals. In the midst of this excitement, the convention assembled at Ocana. Bolivar, abandoning his intended march to the north, directed his course towards Ocana, and surrounded it with troops, placing his head quarters at Bucaramanga.

The convention was opened with a long address from Bolivar, setting forth the various and important defects in the present form of government, and the abuses consequent thereupon.

This address, if it spoke truly, presented the republic in a most deplorable situation. The national credit ruined, the revenue destroyed, the treasury bankrupt—and the republic beset by a formidable host of creditors.

In the judicial department, venality and injustice prevailed to an extent totally irrepressible by the executive; in the financial department, a host of useless officers preyed upon the revenue, and to gross neglect added the most notorious dishonesty in its collection.

Police there was none, "not even a shadow of it exists. Security and repose are destroyed."

He represents the municipalities as characterized only by fraud, oppression and insubordination, and *considers that it would be a blessing to the country to destroy them entirely.*

Such was the unflattering picture of Colombia, as painted by her chief magistrate, and so far as regards the national credit, and the forfeiture of the national honour abroad, truly painted. But to what causes are we to attribute this disastrous state of affairs? We confess not without regret, that strong suspicions unite, in pointing to Bolivar as the sole cause. We know that imputations have been thrown upon the Vice-President—but we believe without good grounds; and we should rejoice if the conduct and motives of Bolivar, could be as fully and fairly explained, as have been those of Santander.

We recur again to the address of Bolivar, as throwing some additional light upon his designs.

After some general prefatory allusion to the country, he continues:

"I would add nothing to this fatal picture, if the post I occupy did not compel me to expose to the nation the practical ill consequences of its laws. I know that I cannot do this, without exposing myself to malicious interpretations, and that

my words will be attributed to ambitious views; but I, who have not refused to devote to Colombia my existence and reputation, conceive myself bound to make this last sacrifice.

"I must confess it; our form of government is essentially defective."

The first great defect complained of, was the feebleness of the executive.

"We have made the legislative the only sovereign body, whereas it ought to be merely a member of this sovereign. We have subjected to it, the executive, and we have given to it a much greater part in the general administration than our welfare permits. As the climax of error, all the strength has been placed in the will, and all the weakness in the movement and action of the social body."

The executive, he said, did not possess the power of even proposing laws for the consideration of congress. And its veto could always be rendered nugatory. The officers were not allowed freely to explain the grounds, on which the government might wish measures to be adopted, or on which it might wish them to be rejected, when adopted by the legislature. In all its functions, the civil, the military, and the judicial, it was the mere creature of the legislative body; and the consequence was, that it had proved insufficient in

the suppression of internal commotions, and the repulsion of foreign invasions, except when invested with the irregular and dictatorial powers bestowed by certain provisions of the constitution, the very necessity of which, proved the general impolicy and incompleteness of that instrument.

He further complained of the present footing of the army, contending, that the supremacy of the civil tribunal was derogatory to the authority of the president, and destructive of discipline—"of that blind obedience, without which no army can exist for any good purpose." The laws also permitted the military to marry without the permission of the government—a provision which, he remarked, "had been particularly injurious to the army in the facility of its movements, its force and its spirit." They had prohibited the army's being recruited from among fathers of families—they would not allow a married man to become a soldier, and yet they allowed soldiers to become married men.

Such was the representation of the condition of Colombia, emanating from her chief magistrate; and it certainly exhibited a wretched aspect of affairs. We, however, are inclined to the belief, that in many respects it is much exaggerated. We certainly do not believe in the alleged violations of the constitution, as set forth in

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the representations of the curtailment of the executive power, since from the known determined character of the Liberator, himself the executive, he would have been the last to have suffered such a violation of his rights. We rather incline to the opinion, that finding himself restricted by the constitution, he seized the opportunity to increase his present almost arbitrary power, by exaggerated statements of past evils.

The first question presented to the consideration of the convention, was a proposition to establish a federal system of government, similar to that of the United States. This proposition was sustained by about one third of the deputies, among whom Santander was most distinguished. A majority, however, were in favour of a central government; and the subject was referred to a committee, who in the middle of May reported unanimously in favour of the principle of the constitution as proclaimed at Angostura and Cucuta in 1819 and 1821.

The struggle now commenced between the friends of Bolivar, who were for increasing the executive powers, well knowing that no other than Bolivar would be elected to the presidency—so long as he chose to accept it, and the liberal party, who were doubtful of Bolivar's intentions.

This latter possessed a decided

majority, and resisted every effort of the *dictatorial* party, backed as they were by the threats of Bolivar's satellites.

Finding themselves disappointed in their purposes, the factionists formed themselves into a committee, and presented a *project* in the place of that reported by the committee appointed for that purpose.

The convention, instead of rejecting this irregular report, as its authors anticipated, very properly referred it to the same committee. Baulked in their wishes, which they sought a pretext for accomplishing by means of this report, under the expectation of its contemptuous refusal, the cabal determined on secession. On the 2d of June, 18 deputies absented themselves from the convention, under the plea of indisposition, and continued their absence for several days.

Great excitement ensued. The secession of the eighteen left the convention without a quorum; and several deputies who were really sick, caused themselves to be carried in litters to attend the sittings.

On the 6th, the convention issued a protest, and presented nineteen articles supplementary to the constitution of Cucuta, in the hope of obtaining some good result from their convocation. They also issued an order, requiring the absentees to resume their seats, which

was replied to on the next day by the seceders, who assigned the reasons for their withdrawal. On the ninth the convention passed an order requiring them not to leave the city, until their places had been supplied. The seceders replied on the 10th, denying the authority of the convention, protesting against their proceedings for want of a quorum, and immediately left the city twenty-one in number.

Finding all attempts to procure the attendance of its absent members ineffectual, the remaining deputies, fifty-four in number,—being one short of the number required by the constitution to constitute a quorum, on the 11th dissolved the convention, announcing to the republic the causes which had led to that event.

It was to be presumed, as the convention had recognised the main principles of the present constitution, that on its dissolution that instrument would at least have continued in force. This, however, was inconsistent with the designs of the Bolivian party. They had by an act of treachery, destroyed the convention; and it now only remained to complete the destruction of the constitution by the election of Bolivar to the *presidency for life, with hereditary succession*. The importance of this portion of our history requires us to retrace our steps, and enter more

into detail. In stationing himself at Bucaramanga, Bolivar's avowed object was the protection of the convention.

Restricted by the constitution from any nearer approach, he resorted to the employment of military agents, to effect his purpose.

Colonels O'Leary and Wilson, two of his aids-de-camp, were kept constantly within the lines, conveying and receiving communications. Apprized of the contemplated treachery of the twenty-one seceding members, he immediately despatched instructions to Don Pedro Alcantara Herran, who had been left as intendant of Cundinamarca, during his absence, of the measures he wished to be adopted there. On the morning of the 13th of June, two days after the dissolution of the convention, and before the news could possibly have been received at Bogota, Herran issued a written order to the heads of families, requiring them to assemble at two o'clock of that day. No notice was given of the business intended to be acted upon; and without any previous knowledge of the object of the meeting, a portion of the inhabitants, about 250 in number, assembled. The intendant immediately addressed them, setting forth the distracted state of the country; that the Spanish fleet was on the coast; that the Peruvians were invading them from the interior, and

that Bolivar himself, was about to retire from the command to private life; that the convention was busy with the intrigues of a few designing demagogues, hostile to Bolivar, who, having obtained an accidental majority, had refused to allow him to participate in their deliberations upon the reform of the constitution. That the project adopted by the convention, was contrary to the views of the Liberator, because they reduced the executive power to a mere dependency on the legislature,—taking away thereby all energy from the government; and that in consequence, he had determined on a resignation; in which case, the government would be dissolved. He therefore proposed resolutions clothing Bolivar with supreme power, and confiding the destinies of the republic to his hands. After a short silence, the intendant said that any one who wished to speak, was at liberty to address the meeting. Several officers, who had mixed with the citizens, then addressed them in support of the proposition of the intendant. They were listened to in silence. Doctor Vargas, a distinguished patriot, attempted some remarks in opposition to the views of the intendant, contending that they had no power to confer authority upon the Liberator, especially while the convention was in session, to whom the sovereignty of the country had been

delegated, and of the result of whose deliberations they had no definite knowledge ; and besides, that Bogota, composing hardly a thousandth part of the republic, had no right to delegate an authority, exclusively belonging to the people at large. That this authority was now vested in the convention at Ocana—whose deliberations were entitled to be considered as emanations of the public will ; and that if it was true, that that body was about to dissolve, there remained a legal resource, viz. : the convocation of the constituent congress, which would be able to apply the proper remedy to the existing evils. During his discourse he was interrupted by cries from the military, of “Basta, basta.” (“Enough, enough ;”) and on retiring from the assembly, was insulted, and struck by General Paris, and Colonel Luque, within the very door of the house in which the meeting was held. A young man by the name of Santamaria also attempted to address the assemblage, but was silenced by the intendant.

Meanwhile, 3,000 troops surrounded the place of assemblage, among whom, ball cartridges had been distributed that morning.—All were intimidated, each feared that his neighbour had been seduced, no one dared to offer himself a victim by opposition,

the gleam of the bayonets of the military without, occasionally flashed across their eyes, checking the impulse of patriotism, and the resolutions were passed without dissent. The people of Bogota had hitherto been distinguished for their attachment to the constitution, clinging to it as the ark of their political safety, amid all former commotions of the political ocean ; and now, in appearance, were the first to surrender their chartered liberties to the guidance of an irresponsible individual.

Without explanation, this would seem to indicate that the election of Bolivar to the office of supreme chief, was indeed the only salvation for the country. But the people of Bogota, had before expressed their opinion of the Liberator, by an election under his eyes, of individuals to represent them in the convention opposed to his views ; and their present conduct can only be considered like that of an individual signing a contract with the sword of his antagonist at his breast.

Military power intimidated them, and having witnessed the former excesses against those, who had dared to assert their unalienable rights, they bowed submissively to the views of the enemies of constitutional freedom.

These illegal measures at the capital were received by Bolivar

with full approbation, and in his answer, accepting the office conferred upon him, he commends the city for thus "taking upon itself the salvation of the country, the preservation of its glory and its union." The eager haste thus manifested by Bolivar in accepting the invitation of the capital, before he had been notified of the concurrence of any other department, in the failure of other indicia, points with unerring finger to himself as the instigator of the movement. This act of the city of Bogota was speedily followed by similar movements in other departments, and Colombia again passed under the unlimited authority of Bolivar.

Immediately after his acceptance of the invitation of the city, he repaired to that place.

He was greeted by his partisans with the utmost enthusiasm. A temporary throne was erected for him in the principal square, and possessing the substance of unrestrained regal power, the name alone was now wanting.

In his organic decree, he at once destroys the old constitution, substituting his own authority in its place.

"The constitution of the commonwealth," says he, "no longer possessed its legal force over the multitude, because that self-same convention had annulled it by decreeing the urgency of its reformation. The people then becoming

sensible of the enormity of the evils, which threatened their rights, reassumed those constitutional privileges that had been delegated to them; and by the instantaneous exercise of the plenitude of their sovereign power, they provided for their own welfare and security. The sovereign people deigned to honour me with the title of their minister, and moreover authorized me to execute their commands." He professes to be dissatisfied with himself and his own abilities, and says, "I will retain the supreme power only until you command me to restore it; and if you take no measures, I will convene the national representation within a year." He further promulgates the doctrines that property shall be held inviolable, the press free, all kinds of industry protected, and the right of petition left sacred. He concludes in the following language: "Colombians! I will say nothing about liberty; because if I fulfil my promises, you will be more than free; you will be respected. Besides, under a dictator, who can speak of liberty? Let us then bestow our commiseration equally on the people who obey and on the man *who rules alone*."

The first exercise of his power, was a declaration of war against Peru: a measure founded partly on personal irritation, on account of the overthrow of his favourite code, in that republic.

In addition, Peru had lent her aid to a revolutionary party in Bolivia, and a struggle was going on which eventually resulted in the deposition of Sucre, the President of Bolivia, and the formation of a new government. Urdaneta, the minister of war, was despatched with 3000 men, to the assistance of Sucre, while Bolivar prepared for an invasion of Peru. Sucre, after being deposed, was sent a prisoner to Colombia, and on his arrival was immediately named by Bolivar, Commander extraordinary of the division acting against Peru. A full history of the war, which resulted in the defeat of the Peruvians, will be found in the succeeding chapter.

Possessed of the extraordinary powers conferred upon him at Bogota, the supreme chief deemed it necessary for the present, to define his powers.

In the provisional constitution for the government of the country, decreed on the 27th August, he accordingly states that to the supreme chief it belongs—

1st. To establish and maintain order and tranquillity at home, and to insure the state from all foreign attacks.

2d. To command the military and naval forces.

3d. To direct all diplomatic negotiations; declare war; execute treaties of peace, alliance, and neutrality, commerce, and of every

other kind, with foreign governments.

4th. To nominate for every office of the republic, and to remove or supersede those employed, whenever he may think convenient.

5th. To issue decrees and necessary regulations of what nature soever, and to alter, reform, and abrogate the established laws.

6th. To see that his decrees and regulations, as well as those laws which are to continue in force, be executed with exactness in every section of the republic.

7th. To direct the management of the national revenue.

8th. To enforce the prompt and impartial administration of justice by its tribunals and courts.

9th. To approve or alter the sentences of councils of war and military tribunals, in criminal proceedings against the officers of the navy and army of the republic.

10th. To commute capital punishments by and with the opinion of a council of state, which is established by this decree.

11th. To grant amnesties.

12th. To issue privateers' commissions.

13th. To exercise the natural power as chief of the general administration of the government in all its branches, and as the man entrusted with the supreme power of the state.

14th. To preside at the council of state, whenever he may think proper.

His designs were now completed; the liberties of the country were prostrated, and the liberator commenced his career of despotism.

A series of proscriptions and persecutions worthy of the days of the triumvirate followed. While the twenty-one *Serviles* were rewarded with honours and offices, the leaders of the patriots were banished, or imprisoned. Martin Tovar, one of the members of the convention, from Caraccas, was arrested on his return to his family—and without any cause assigned, immediately sent into exile.

In accordance with his powers as above defined of supreme chief, Bolivar increased the standing army to 40,000 men—restored the convents, and annulled the law, fixing upon twenty-six, as the lowest period for religious profession, and allowing children of twelve and fourteen years of age to become monks and friars.

These acts led to a conspiracy on the part of some of the friends of the constitution, having for its objects as well the assassination of Bolivar as the overthrow of his power.

On the 1st of March, General Padilla, with some other officers, rebelled against the authorities appointed by the general govern-

ment, at Carthagena. This affair had been speedily quelled, and Padilla was now awaiting the pleasure of the supreme chief, in the prison of Bogota. The garrison of this city consisted of the first squadron of the horse grenadiers, the battalion of Vargas, and a brigade of artillery.

This brigade was bribed, as it was said, by the promise of six months pay, and the plunder of the British houses, if they succeeded. In pursuance of their plans previously concerted, a part of the brigade was to attack the palace, another the barracks, where were posted the troops of General Vargas, and another, the grenadiers. Those intended to attack Vargas, were to be subdivided, and to liberate General Padilla. They commenced the attack by storming the palace. This was done by the commanding officer Carrujo, Horment, Florentino Gonzales, Lopez and Veneslao Zuilaivar, who led the troops.

Horment himself mortally wounded three sentinels, and with his comrades, succeeded in penetrating into the cabinet of the Liberator.

Bolivar made his escape out of a back window, and secreted himself under a bridge, where he remained up to the middle in water until his pursuers had passed. They crossed the bridge under which he was concealed, shouting

"Muerte el tyranno Bolivar." Hearing the cry of "Viva el Libertador," in the square, he ran there, and found it occupied by his friends.

The attack on the barrack of Vargas, commenced immediately on hearing of that on the palace, and was conducted by Colonel Silva. A piece of ordnance was placed against the gate. The assailants were however repulsed, with great loss, and their cannon taken.

Meanwhile a division had succeeded in obtaining entrance to the prison of Padilla, led by Captain E. Briseno, and R. Mendoza, by leaping the wall of the yard; and having reached the room of the General, surprised Colonel Bolivar in his bed, and discharged a pistol into his breast.

Colonel Ferguson, aid-de-camp of Bolivar, was shot in the attack on the palace, by Commandant Carrujo.

The regiment of Vargas, headed by General Urdaneta, minister of war, and Lieutenant Forrealoa, and accompanied by Generals Paris, Cordova, Velez and Orteja, having repulsed the assailants on the barracks, sallied forth, well supplied with ammunition, and took possession of the principal square of the city. Here effectual measures were taken to defend the city, and to suppress the rebellion.

A solemn high mass was offered up by the archbishop, the next day,

in thanksgiving, and several thousands of the neighbouring peasantry placed under arms.

The defeat of the conspirators; "who, bent upon freeing their country of her Cæsar in the Roman fashion," had thus conspired against the supreme chief—was the signal for still more vigorous measures on the part of the government.

On the day following the attack, the following decree was issued.

Bogota, Sept. 26th, 1828.

"Simon Bolivar, Liberator President of the Republic of Colombia, &c. Considering,

1st. That the lenity with which the government has wished to characterize all its measures, has emboldened wicked men to undertake new and horrible attempts :

2d. That even last night, the troops intrusted with the preservation of order and government, were attacked, and the palace of the government was converted into a scene of bloodshed, which even threatened the life of the chief head of the republic :

3d. That if crime is not timely checked, and examples made of the evil minded, they will shortly effect the ruin and dissolution of the state :

4th. That in such a case the government would be rendered culpable under the decree of the 26th August, in which for the advantage of the people, I restricted

the authority with which they had voluntarily invested me. Therefore, on the position of the council of state, I decree,

1. From this day forward I will use the authority which the national voice has confided to me, with the extension which circumstances shall force upon me.

2d. The same circumstances shall fix the term of the extension of the authority.

3d. In pursuance of which the council of state shall advise me of the measures, which in its opinion the public good requires, pointing out their greater or less urgency.

4th. Every minister secretary of state, in their respective departments, is charged with the execution of this decree.

SIMON BOLIVAR.

Colombia was therefore subject to the uncontrolled sway of one man—whose power, and the term of whose authority, were to be governed by circumstances, of which he himself was to be the sole judge.

The struggle by which she threw away the chains imposed by a foreign monarch, had resulted in her subjection to the absolute and despotic sway of an irresponsible domestic dictator. Her laws were but emanations of his will, to be enforced or abrogated at his pleasure; and the horrors of an armed despotism soon commenced.

The first victims were the actors in the late desperate attempt. Horment, Zulaiva, a shop-keeper of the "Calle Real," Lopez, Silva and Galindo, were shot. General Padilla, Colonel Guerra, Azuero, a young student about 17 years of age, and some others, with a few artillerists, in the whole fourteen, were hung.

Merizaldi, Vallarino, the commissary Guzman, young Gaytan, Gomez Plata, and Wilthern and Marquez, the two latter aids of General Santander, were impeached and banished. Florentino Gonzales, who had been a political writer in the "Conductor," and was particularly obnoxious to the ruling powers, was condemned to ten years imprisonment in the dungeons of Boca Chica.

But another victim was still wanting. The Ex-Vice-President Santander had hitherto been a stumbling block to the partizans of monarchy; and on the dissolution of the old constitution, one of their first measures had been the removal of his influence, by appointing him minister to the United States. An opportunity was now offered to procure his destruction. It was seized upon with avidity, and Santander was imprisoned on a charge of being at the head of the late "conspiracy."

Imprisonment was but the prelude to conviction. The council of war, (as it was termed,) com-

posed however of Urdaneta alone, declared his guilt, and upon this mock trial he was condemned to die.

But it was not the policy of Bolivar to push matters to extremities. He knew that a large portion of the people was in favour of the policy pursued by Santander during his administration ; and that they were not fully satisfied with the reasons assigned, for the concealment of the evidence against the alleged conspirators. He accordingly transmitted his sentence, for revision to his council of ministers.

This court, consisting of the creatures of Bolivar, commuted the sentence of death to degradation and banishment for life, which decision received the instantaneous approval of Bolivar.

The reasons assigned by the council for their apparent lenity, are too extraordinary to pass unnoticed.

EXTRACT.

“The General Francisco de P. Santander, has been condemned to death, and to have his estates confiscated, suffering previously degradation from his employment. *The sentence which condemns him is just,* and was regulated by the decree of the 20th of February of the present year ; since abundant proofs showed that he had an intimate knowledge of a maturely meditated conspiracy ; *that he approved it ;* that he gave his opinion and

counsel respecting it ; and that he always *desired it should have effect after his departure from the republic.*

“The crime meditated, and attempted to be carried into execution, was most certainly of unutterable atrocity ; but not having been consummated, nor followed by the fatal consequences which it might have produced, the shedding of more blood could not now be productive of any salutary effect, might, perhaps, excite more horror at the punishment than at the crime itself. In such a case the just moderation of the government, mercy, the lively desire of re-establishing peace and confidence, and *many other reasons not unknown to the Liberator,* ought to soften the rigour of justice, and present to the world the contrast of the clemency of a highly offended government, with the enormity of the crimes of its offenders.

“If the same proof of co-operation in the conspiracy of the night of the 25th, existed against General Santander, as existed against the defunct ex-General Padilla, the council would not hesitate a moment in advising the Liberator President to order the sentence pronounced by the district court martial, on the 7th current, to be carried into execution. But, as *such proofs do not exist,* as the above circumstances have some weight, and as General Santander has

proved that he prevented the assassination of the Liberator, which was intended to have been effected in the town of Suaiha, on the 21st of September; and as it has been clearly made to appear that such assassination was actually contemplated, and did not take place on that day; the council are of opinion that the government would do better to commute the punishment of death into deprivation of office, and banishment from the dominions of the republic, prohibiting him ever again to put his foot upon his native soil, without the special permission of the supreme government—with a provision, that in case he should at any time contrary to the above prohibition, judgment of death shall be inflicted upon him by any judge or military chief in whose district he may be apprehended; and that his estates shall be held in trust by the government, without his having the power to sell, mortgage, or in any way encumber them, in order that they may serve as a security for his not violating the aforesaid prohibition, and that they may be also confiscated, in case he should do so; and also, that in the mean time, the criminal may live with the products of the said estates.

“JOSE MARIO CASTILLO.

“ESTANISLAO VERGARA.

“NICOLAS M. TANCO.

“JOSE M. CORDOVA.”

Every thing which could serve to blacken the character of Santander, was made public; but no specific evidence of guilt was adduced.

The council of revision *pronounced his sentence just*: they declared that abundant proofs have shown that he had a knowledge of a conspiracy; *that he approved it*; that he gave his counsel and opinion concerning it; and that he always desired it should have effect after his departure from the republic: but they did not lay before the world the evidence, upon which this opinion was formed.

We will endeavour, from sources which we know to be authentic, to furnish the evidence upon which an illustrious individual, who had faithfully served his country for nineteen years, was stigmatized as a traitor to her institutions, and an enemy to her liberties. The infallible tribunal of public opinion will judge between the accused and his accusers: and whatever may be the result of Bolivar's movements, whether they shall terminate in his country's freedom, or in her subjection to his sway; the banishment and persecution of Santander will descend as a blot upon the escutcheon of his fame, to posterity.

The very fact, that Santander was not permitted to enter into his defence, under a charge involving his life itself,—that he was debarred of that imprescriptible right

which belongs to every man, stamps upon the whole proceeding, the reproach of inquisitorial tyranny. But when in addition to this, we look at the nature of the evidence, it is impossible to refrain from strong doubts of the illegality of his condemnation.

The prosecution against the Vice President was founded on a suspicion of his being a participator in the conspiracy of the 25th September: and his condemnation was the result of some proof, that he was the promoter, director, executor, or at least an auxiliary of this affair.

The first proof was a *denial*, on the part of Santander himself, of any knowledge of the *conspiracy*, in a written communication to the council of war.

The next consisted of declarations of some of the principal conspirators.

These declarations, even admitting them to have charged upon Santander an actual participation in the plot, without any corroborative evidence, were entitled to no more weight than his own denial; but these very declarations furnished strong evidence of his innocence.

In his communication, Santander admitted that he had reason to fear a revolution, and states his grounds for that belief; but insisted it did not therefore follow, that he *knew* of a *conspiracy*.

Silva, Lopez, Briseno, and

Mendoza, asserted that they had heard, from Gonzales, Carrujo, and Guerra, that Santander had an intimate knowledge of the affair; that he directed the plan, and was the principal individual concerned.

Here *hearsay* evidence is referred to, but the individuals referred to, as the authors of this piece of evidence, declared the whole to be a fabrication of the conspirators.

Again, Silva said that he suspected Santander, because he was a friend of the constitution. Lopez said that he did not know, that he had any part in the conspiracy, but that he thought him, the most proper person to take charge of the government in case of success. Briseno declared that he suspected him, because he had always been the chief of the constitutional party; and because *Guerra had assured him*, that Santander had a knowledge of the affair, although his opinion was, that it was premature.

We find nothing in these proofs of an *intimate knowledge*, but on the contrary, assertions without proofs, vague conjectures and beliefs, either without foundation or founded in circumstances wholly unconnected with the accused. Besides, Briseno referred to *Guerra*; and Guerra declared that in a general conversation with Santander on the state of affairs, he (Santander) strenuously remonstrated against a revolution.

Lastly, Mendoza referred to

Carrujo, and Carrujo accused as well Paez as Santander, and at the same time declared that Santander was opposed to the plot, and said that he would resist any attempts of the kind, so long as he should remain in Colombia.

Briseno also declared, that when it was proposed, in the meeting of the 25th of September, to inform Santander of what was intended to be done, he opposed it, because he was afraid that *Santander would hinder its execution.*

Surely if he suspected Santander to be friendly to the plot, and acquainted with it, he need not have feared his opposition; and if he had this fear, it was without doubt because he did not consider Santander an accomplice.

The third ground relied on by the council of war in their decision, was that Guerra, on being confronted with Santander, maintained that he had spoken to him of the conspiracy. It is true that Guerra did insist, in the presence of Santander, "that he had conversed with him on the subject of a conspiracy, and had told him that he thought it would be easy;" but at the same time, he said that Santander opposed his revolutionary ideas, and attempted to reason him out of them by means of fair and legitimate arguments.

The fourth ground was the evidence of Carrujo, who stated, in

the presence of Santander, that being desirous of satisfying himself as to whether the Vice-President was or was not opposed to the conspiracy, he went to Santander's house in the evening, and finding, in the course of the conversation, that he really was opposed to any attempt, he suggested, with a view of preventing his opposition, that in case of an attempt of the kind, "they would probably go so far as to assassinate the Liberator;" which conversation, vague as it was in its nature, and hypothetical in its conclusions; was converted by the minister of war, into an actual participation in the conspiracy.

The fifth ground was totally unconnected with the subject matter of the trial, and related to a conversation with the writer, Gonzales, on the subject of re-establishing the constitution of 1821. Here, however, the evidence failed entirely in criminating the accused; but on the contrary, exhibited his character and conduct in pure colours. Gonzales said, "that so far from entering into his design, he, Santander, opposed it as unreasonable, and prejudicial to the country; that he protested that in no event would he take the direction of affairs; as he was determined to leave Colombia forthwith. Besides, without knowing the public opinion on the subject, he should not entertain an idea of the kind;

that the new code had not been fairly tested; and at all events, that the proper and legitimate method of testing its sufficiency, was by the formation of societies in the different departments and provinces."

These are all the grounds upon which the decision of the district court martial rests; and it may be observed, that they are all wanting in that weight of evidence, which strict justice and positive law requires in cases of criminal accusation. And yet upon such proofs, was Santander condemned to degradation and death. The sentence itself bears injustice upon its face.

In the first place, it was admitted that Santander opposed himself to the execution of the proposed conspiracy *during his stay in Colombia*; but these words are considered as indicating a wish on his part, for its consummation after his departure.

Secondly.—The court declared him guilty of *high treason*, for not having hindered the conspiracy, and denounced the conspirators, in the face of their admission, that he had opposed himself to it, during his stay in Colombia; and that, too, without a particle of proof of any knowledge on his part of the conspiracy of the 25th of September. It is true that Santander had admitted that he apprehended an overthrow of the government; and no observer of the actual state of Bogota at that time, could have

shut his eyes to the fact, that disaffection prevailed throughout the city, and that sooner or later, the volcano would burst forth.

Thirdly.—The commanding general charged him with being an adviser in a plot, although not an actual participator in the conspiracy of the 25th September. This charge rested for its support on that part of the testimony of Gonzales, relating to the establishment of societies in the different departments, which it is alleged were intended to gain proselytes, and to secure the influence of prominent officers in various parts of the republic.—And here again, in speaking of these societies, Gonzales expressly declared, that their sole object was to observe *public opinion*. Such are the premises, and the sole premises, from which the participation of Santander, in the conspiracy of the 25th September was deduced, and which condemned him, unheard, to suffer the last punishment known to the laws, and at the same time branded him with the ignominious name of a traitor.

Although it is manifest from these circumstances, that Santander was aware of the dissatisfaction existing among his compatriots at the arbitrary proceedings of Bolivar; and probably had been consulted by them as to the expediency of resisting by force, the designs that force was employed to effect—yet it is clear that he disapproved of

the conspiracy, and was desirous of saving the republic by constitutional means. The evidence produced was strong enough to warrant his condemnation in an arbitrary government, but altogether insufficient in one of laws, and professing to be founded on the principles of civil freedom.

As we have before stated, the sentence was commuted into degradation and banishment, and Santander was sent under a strong escort to Carthagena. Meanwhile an insurrection, headed by Colonel Obando, broke out in Popayan, having for its object the restoration of the constitution.

Orders were immediately despatched to Carthagena, revoking the permission of departure given to Santander; who was arrested two days prior to his intended embarkation by General Montilla, and committed to the dungeons of Boca Chica. The insurrection of Obando was speedily compromised, and Obando placed at the head of the department as commanding general. Santander, however, still remained in the baneful dungeons of Boca Chica, deprived of the comforts of life, for no reason except that Bolivar deemed his person, a hostage sufficient to restrain the friends of the constitution.

After a rigorous confinement of about ten months, he was sent a prisoner in the frigate Colombia to Puerto Cabello. Here he embark-

ed for Europe, in a fortunate time for himself, as orders arrived two days after his departure, for his further detention. So great was the fear of Santander's influence, that after the publication of the decision of the council of revision, fresh instructions were given, prohibiting his residence even in the United States, and requiring him, under the penalty of the forfeiture of his property, to refrain from writing on political subjects.

On the 24th of December, Bolivar issued a decree, convoking the constituent congress at Bogota on the 2d of January, 1830. The decree consisted of three chapters and forty-eight articles, an abstract of which follows.

In a preliminary decree of the same date the functions and powers, of the deputies composing the congress, are limited exclusively to the formation of a *constitution conformable to the spirit of the age*, as well as the necessities and habits of the people, and to the election of those high functionaries, which may be absolutely necessary for its establishment.

PRIMARY ELECTIONS.

The first chapter defines the prerogatives of voters in primary assemblies. They must be Colombians, must be married men or over twenty-five years of age, must be inhabitants or employed in the public service, must have an annual income of \$180 arising from

property, science or industry, &c. The elections must be conducted by one of the judges when there are any, and when there are not, by other persons specified in the decree; must be held in a public place, without the presence of any species of arms, or any thing to deter the citizens from a virtuous exercise of the elective franchise. Every canton, whatever may be its population, is entitled to one elector. No province can have less than ten electors. Each elector must have an annual income of \$360. The votes immediately after the election in any place, are to be sent in a sealed envelope to a junta, consisting of the political judge of the canton or circuit, and four inhabitants, having the qualifications of electors, who shall open and count them at a public sitting, and declare the result according to the majority of votes. The primary elections are to be held on the 20th of May.

Duties of Electors.—On the 1st of July, the electors are to meet in the capitals of their respective provinces, the Governor presiding, and after taking a solemn oath, faithfully to fulfil the duties of their office, will proceed to vote for deputies to the constituent congress, in the ratio of one to every forty thousand souls; and if there remains a balance of more than twenty thousand, another deputy will be chosen. These elections are to be

tested in a public place where the citizens can have free access, without the presence of any species of arms. Every deputy must be a Colombian, in the actual exercise of his rights as such; must be an inhabitant, and not have been absent from the territory of Colombia for three years immediately preceding the election, except in the service of the republic. He must have an income of \$500, and be not less than thirty years of age. The constituent congress, whatever number of deputies may be in the capital, (Bogota,) on the 2d January, 1830, shall appoint a director, and shall have full power to compel the attendance of absent members, under a penalty of \$500 to \$3,000; and all the authority of the republic, whether civil or military, which may be necessary to enforce the requisition, or to execute any similar order, shall render the most exact compliance, under an equal penalty.

ARTICLE 44th.—The congress shall be solemnly installed before Bolivar and the President of the council of ministers, with the requisite assistance of the ministers of the interior, immediately after two thirds of the whole number of deputies from all the provinces shall have convened. Before the installation, the deputies will meet in the Governor's palace, and after attending a solemn mass, proceed to the hall appointed for holding the

sessions. They will then take an oath administered by the presiding officer *pro tempore*, faithfully and well to fulfil the duties of their station, and proceed to elect a President, Vice-President, and Secretary, or Secretaries of congress. These acts being concluded under the superintendence of Bolivar, or of that of the President of the council, he will declare the congress legally installed. The President, Vice-Presidents, and Secretaries, will continue in office during the time which may be agreed on by congress.

ARTICLE 46th.—The members of the constituent congress shall enjoy immunity both of person and property, during the sessions, going to, and returning from their houses at pleasure, except in cases of treason, or other grave offence against social order; nor shall they be called to account for the language and opinions they may utter in congress, before any authority, or at any time.

Nothing of material importance occurred during the subsequent period embraced within our history. General Cordova, the favourite of Bolivar, raised the standard of revolt in Antiqua, but was defeated by O'Leary, and mortally wounded, not without suspicion that his wounds were not received in battle. The treatment of General Harrison, our minister to Colombia, after the appointment of his successor, Mr. Moore, will fall more par-

ticularly within the limits of our next volume, as will also the recent separation of Venezuela from the Colombian federation.

Bolivar continued, during the remainder of the year, occupied in the duties prescribed to himself, as the Supreme Chief, and the people quietly submitted. The great evil in Colombia, is the immense standing army she possesses, and the great number of officers; the former consisting of 40,000 men, the latter of 70 Generals, and between 300 and 400 Colonels:—her whole population, being less than three millions. With the continuance of this evil, we can hardly expect a settlement of affairs during the present generation.

The character and ultimate views of Bolivar, are still enveloped in mystery; although the indications of his intention to subvert the liberties of his country have been multiplied, within the period of which we are treating. His conduct in the crisis of the constitution, and during the disturbances which followed its subversion, was not characterized by that disinterestedness and nobleness of sentiment, which we were taught to believe were the attributes of his nature, and which had so long assimilated his name in this portion of the western hemisphere, with the "father of his country." When we reflect upon the character and previous conduct of those condemn-

ed for participation in the conspiracy, we can hardly doubt, that if concerned in any plot, it was a plot of high and elevated aims.

The list of the proscribed includes the most distinguished in the annals of Colombian history. Gomez, who with a handful of labourers and fishermen, destroyed, in the island of Marguerita, the dreaded Morillo, groans in a prison; Padilla, whose achievements at Maracaibo paved the way for Colombian independence, died on a scaffold; Tovar, who in 1810, overthrew the Spanish government, in the capital of Caraccas, and led the van in the struggle for liberty, was banished unheard; and Santander, who had fought side by side with Bolivar, who for eight years had exercised the executive functions of government, wanders an exile on the shores of Europe, condemned not to set foot even upon the continent of America.

One man alone has effected this—and we are asked to believe, that he alone is disinterested and patriotic, and that the hundreds of proscribed, are disorganizers and traitors. Again and again, has he laid down his absolute authority, and again and again, say his friends, have these dangerous honours been *forced* upon him. With an army of 40,000 soldiers at his beck, governed by an obedience so implicit as would induce them, at the command of the supreme chief, to sa-

crifice their victorious commander, even on the field of his fame—we can easily imagine the nature of the force, which impels him to assume the supreme authority—and when we are told of his unwillingness to remain in authority, and of his wish to retire, we must, from the experience of past events, doubt, as to the sincerity of his professions, and the purity of his motives.

The opinion thus formed, has been adopted unwillingly, and we are yet willing to hope for a better termination to his career, than present prospects indicate will be the result. Nor do we deem it strange, that others should still entertain confidence in his sincerity; and if we are mistaken in our estimate of his motives, it will be to us a grateful disappointment.

Reviewing his former resignations of the dictatorial powers, we find in them sufficient indications of political artifice, to induce us to doubt his sincerity in calling the constituent congress of Bogota. A constant desire has been evinced on his part to command, but to command as if compelled to do so by the wishes of a compliant people—to feign not to wish to command, but always to command as a dictator.

His first resignation was at Angostura, in 1819—transmitted to the second congress of Venezuela, then assembled at that place, in the following language. “In transmitting to the representatives of the

people the supreme power which they have confided to me, I fulfil the wishes of my own heart, the desires of my fellow citizens, and the expectations of posterity, who trust implicitly in your wisdom, rectitude and prudence. In fulfilling this sacred duty; I feel myself relieved from that immense authority, and from that boundless responsibility, which hitherto oppressed me. Inexorable necessity, united with the imperious will of the people, only should have subjected me to the terrible and dangerous charge of SUPREME CHIEF OF THE REPUBLIC, but I already breathe again, in returning you this authority, which, with so much difficulty, and at so great a risk, I have endeavoured to maintain in the midst of the most horrible troubles that can afflict a social body."

Immediately following this annunciation, he was invested by congress, with extraordinary powers to continue the war, which he felt himself compelled to accept. When, however, in 1821, the constituent congress assembled at Cucuta, he found himself again under the necessity of resigning, with a view to obtain more general powers.

"Appointed by the congress of Venezuela," says he, "interior president of the state, and your representation being that of Colombia, I am not the president of this republic, because I have not been appointed such by you, and because

I have not the talents, which it demands to insure its glory and success. Besides, my office of a soldier is incompatible with that of chief magistrate, and I am wearied with hearing myself called tyrant by my enemies.

"Deign, Sir, to receive with your accustomed kindness my most reverent homage, the profession which I make to you of my most cordial fidelity, and the most solemn pledge that I can give you of my implicit allegiance.

"But if the sovereign congress persists, as I fear it will, in continuing in me the Presidency of the state, I renounce from this time, for ever, the glorious title of a citizen of Colombia, and will abandon the shores of my native land."

The congress confirmed his powers, and he found himself *compelled* to accept, pledging himself, however, to lay down the command at the termination of the war.

Triumphant at Bombona and Pinchinca, he addressed a proclamation to the Colombians, announcing the *termination of the war*, but not his resignation. An opportunity now offered itself to his ambition, to gather fresh laurels in the field, and to augment his power. He accepted, with the approbation of congress, an invitation from Peru, and immediately marched to the assistance of the land of the Incas. He made his public entrance into Lima on the first of September, 1823, and was imme-

diately invested with the authority of dictator, which he thus announces to the Peruvians, on the 11th March, 1824 :

“The misfortunes of the army and the conflict of parties, have reduced Peru to the lamentable condition of resorting to the tyrannical power of a dictator to save herself. The constituent congress has confided to me this *odious* authority, which I could not reject without being guilty of treason towards Colombia and Peru, so intimately connected by the bands of justice, of liberty, and national interest. *I came reluctantly to Peru*, and I would almost prefer your destruction itself, to the alarming title of Dictator.”

The war terminated with the victories of Hunin and Ayacucho. The Spanish power was extinct in South America, and the friends and admirers of the brilliant career of Bolivar looked forward confidently to a realization of his promises, and his retirement to private life. On the 22d of December, 1824, he transmitted to the senate of Colombia, his renunciation of the presidency for the third time.

“All the world perceives,” says he, “that my residence in Colombia is not necessary; and no person is more aware of it than myself. I will remark, for once, that I wish Europe and America to understand THE HORROR I feel at supreme power, under whatever as-

pect or name it may be conferred.” On the 10th of February, 1825, the congress of Lower Peru assembled, and for the fourth time he renounces, in the following strain :

“Legislators! In restoring to the congress the supreme power that it deposited in my hands, I felicitate the country on being delivered from what is most dreadful on earth; from war by the victory of Ayacucho, and from my despotism by my resignation. Proscribe for ever, I beseech you, this tremendous power, which was the sepulchre of Roman greatness.”

Congress, notwithstanding, invested him with the dictatorship for another year, which at its *pressing solicitation* he consented to accept.

In the month of August, 1825, a convention assembled at Chuquisaca, in Upper Peru, and declared that Upper Peru should become a separate republic, and in honour of the Liberator, should be named Bolivia. They also conferred the supreme power upon Bolivar, and solicited him to prepare for them a constitution indicative of his own political principles.

It was on this occasion that, charmed with the idea of descending to posterity with the character of a Lycurgus or a Solon, he formed that famous code—“that article of his political faith”—which by exposing his own sentiments, opened the eyes of the friends of

freedom, to his real character and objects, and paved the way for the overthrow of his power in Peru and Bolivia. We need instance no more odious feature of this child of his fancy, than that which relates to the appointment of the Executive. Chosen in the first instance by the legislature, holding his office for life, irresponsible, and possessing the power of nominating his successor. It matters not whether the title conferred upon this irresponsible individual be that of President or King. The race of legitimates of Europe, "by divine right," can be traced back to the election, in the primitive formation of nations, of the wisest or the strongest, to whom was committed the protection of the community. History teaches us, that since the theocratic establishments of the children of Israel, in the infancy of every community, the first leader has been elective; and the principles of monarchy may be as well sustained by an irresponsible president possessed of powers to nominate for every office in the state, as by an hereditary king, with the like powers, to create his nobility.

Upon the acceptance of his political code, Bolivar transmitted his fifth resignation.

But the powers so long possessed, had now assumed for him a charm, and he longed for some substantial

confirmation of his title. Previous to leaving Lima for Bolivia, he had convoked the constituent congress of Lower Peru, for the ensuing year.

In our last volume will be found a detailed account of the meeting of this congress, with the causes which led to its dissolution, and the continuance of Bolivar as dictator for another year. We will briefly recapitulate. Previous to the day of assembling, a number of the deputies arrived at Lima.

From the opinion expressed by some of the deputies, upon the conduct of Bolivar, indications existed, that a majority of the congress would oppose themselves to his contemplated design of imposing upon Lower Peru the code of Bolivia. He therefore required the deputies to submit their qualifications to the supreme court for examination.— Seventy deputies had assembled, of whom eighteen having received full authority to deliberate upon public affairs, when they were convoked for special purposes only, were declared disqualified and rejected.

The remainder were prevailed upon to submit to the wishes of Bolivar, continuing him in office another year; and recommending him to consult the provinces, as to the form of a constitution which they might wish adopted.

This resulted as he expected, in

the adoption of the Bolivian code, and his own election OF PRESIDENT FOR LIFE.

Previous to his election, Bolivar, having been again chosen President of Colombia, had returned to that Republic, called there by the insurrection of Paez, and the threatening prospect of a civil war.

His presence calmed the angry elements, and the strong indications of concert between himself and Paez, with the increasing marks of declining popularity, occasioned by the suspicions of the people, induced him to transmit to congress his sixth abdication, on the 6th of February, 1827.

Twenty-four members of congress, voted in favour of its acceptance, but a majority opposed themselves, and he was again elected President.

On the 29th of February, 1828, in his address to the grand convention, assembled at Ocana, he again resigned his office for the seventh time; and on the dissolution of that body, was invested with the powers

of Supreme Chief, which he at present possesses. What may be the result of his career, time alone can determine.

We confess our own disappointment at the present indications of his ambitious projects.

Circumstances may have operated to have caused his deviation from those truly patriotic sentiments avowed by him upon the summit of the lofty Cerro; but it had been far better for his fame, and perhaps for the hopes of liberty in the southern states of America, if he had gloriously perished on the field of Bojaca.

Even now it is not too late for him; by an exercise of moral firmness, to retrieve his tarnished fame, and ridding himself of the base flatterers, who, availing themselves of the weak points of his character, have so long made him the prey of gross adulation, to forsake the path of despotism, and throw himself and his fortunes into the scale of constitutional liberty.

CHAPTER XX.

PERU AND BOLIVIA.

PERU.—*Conspiracy at Lima—Earthquake—New Constitution—War with Colombia—Overtures for Peace—Battle of Tarqui—Convention of Jiron—Renewal of hostilities—Revolution in Peru—Peace with Colombia.*

BOLIVIA.—*Sucré, President—Bolivian code—Revolution—War with Peru—Peace—Velasco President—Blanco President—Killed in civil commotion—Santa Cruz President.*

GENERAL La Mar, president of Peru, had, throughout the short-lived power of Bolivar, remained in voluntary exile—unwilling to yield obedience to the Bolivian code, and anxious to avoid the proscription that had hitherto pursued those who had opposed the views of the Liberator. The Bolivian constitution having been rejected, and a new constitution adopted, tranquillity reigned throughout the country.

Apprehensions, however, existed that Bolivar, after settling the affairs of Colombia, would attempt to regain his lost authority, and it was deemed advisable to place the army on such a footing, as would prevent any encroachment from that quarter.

The standing army was, therefore, increased to 12,000 men, and every exertion made to provide against future exigencies.

At the commencement of the year 1828, a conspiracy which threatened serious consequences, was detected at Lima. It had for its object, the crowning of an Indian Colonel, named Linavibca, and was fixed for the 25th of January. A number of members of congress were arrested as conspirators in this monarchical plot, and among others, Senores Vidaurre, and Perez Sudela. Vidaurre was president of the supreme court, and representative for Lima, and from his former course of conduct in manfully opposing the views of Bolivar, and resisting his attempts at usurpation, it can hardly be suspected that he was privy to a plot of this kind. The truth is, that shortly after the commencement of their session, congress had been divided between two parties headed by Vidaurre, on the one side, and Luna Pizarro, president of con-

gress, on the other. These parties professed opposite principles, and their dissensions had been productive of great disorder. Vidaurre was a high-toned republican, and Luna Pizarro, an ultra aristocrat.

Pizarro had endeavoured to insert in the constitution an article granting the right of citizenship to the Spaniards in general, which had been opposed successfully by Vidaurre, who spoke several times against the measure with great vehemence, and finally succeeded in defeating it. He was now accused of having participated in the conspiracy, in the objects of which the party of Pizarro had been included, more with a view to give himself the political command, than to destroy the republic. The real fact seems to be, Vidaurre was in favour of Santa Cruz, as President, and was therefore obnoxious to those in power.

He was at first thrown in prison, with the view of bringing him to trial, but having a formidable party in his favour, the government contented itself with banishing him to the United States, stipulating to maintain him with decency, and also obligating themselves to provide for his family, with the greatest care.

General Santa Cruz was also banished, with the title of minister plenipotentiary to Chili.

On the 30th of March Peru was visited by one of those dreadful

earthquakes which sometimes occur in that part of the world, and which, had it continued for a few seconds longer, would inevitably have laid Lima in ruins. The shock was preceded and followed by several phenomena, equally strange and terrible.

On the 16th of March, the river Jayme of Ferrenafe, shot from its bed through the upper part of Lambayeque. Its currents were so strong, and so great the mass of its waters, that it entirely covered the place named the Other Banks, levelling in its progress all the houses and hamlets situated there. To this phenomenon was added an extraordinary torrent of rain, accompanied by violent thunder and lightning, all of which continued four days in succession. This calamity destroyed most of the streets, bending or inclining all the buildings from the centre. The inhabitants found an asylum in the hills and sand banks in the vicinity of the city. Such was the abundance of waters and the height which they attained, that the conductor of the post was forced to embark on a raft two miles above, and thus cross the city to the office. A large river, formed by the rains, made its appearance in the desert of Sechurs, a place in which no water was ever seen before. The direction of this new river is across from the desert towards the point called Cabo Verde. Travellers

were detained eight days in extricating themselves from the sands which the waters amassed, and in part concealed.

In Piura, it rained fourteen days continually, and at its termination, on the 15th March, all the proprietors found themselves compelled to abandon their farms, because of the ruinous condition to which their habitations were reduced.

By the other road from Huanuco, the earthquake was felt, but no injury was sustained.

From San Mateo to the capital, the trembling was greater, and 18 houses were destroyed in the town, while the mountains around, discarded from their summits, immense fragments of rocks, filling up the roads, and making them almost impassable. In Surco, a city fifteen leagues distant from Piura, and seven from San Mateo, they had an eruption of water, similar to a volcano.

On Sunday, March 30th, at half past seven in the morning, Lima experienced an extraordinary earthquake, as well for its duration, as for its movements. Its route was from east-north-east, to west-north-west; and in forty-five seconds of convulsion, destroyed as many ancient buildings. The amount of property destroyed, was estimated at six millions. Forty persons perished in the city.

At Callao, the shock was felt af-

ter the dust was seen to rise from Lima, so that it would seem that it proceeded from the mountains to the sea. Those persons who were on board vessels in the harbour, described the sensation to be the same as when a ship thumps violently against the bottom, and the noise as terrific. The water was very turbid, and for a considerable time afterwards, large air bubbles came up in every direction.

On the 19th of April, the new constitution was made public. Among other things, it sets forth, "that the Peruvian nation is for ever to be free and independent of every foreign power. It shall never be under the hereditary government of any person or family, nor shall it be united with any state or federation opposed to its independence." The press is declared free,—only restricted by the law. A Peruvian house is a castle, inviolable, except in cases fixed by law. Letters are inviolable. All citizens are admissible to public offices. Prisons are declared to be "places of security, and not of punishment; and all unnecessary severity to the close keeping of prisoners, is strictly prohibited. The public debt is guaranteed. Public primary instruction is promised gratuitously to all citizens, with instruction in the institutions for the sciences, literature and the arts. Also, the inviolability of literary property,

and of religious and benevolent establishments.

The constitution itself is to be inviolable for five years; and in July, 1833, a grand convention is to assemble, to examine and reform it, in whole, or in part; or on the occurrence of an extraordinary case, congress had the power to call a convention at an earlier period.

The most striking provision, was the *utter and absolute* ANNIHILATION OF SLAVERY.

The 152d article declares that "no person is born a slave in the republic; no slave can enter from abroad, without being free."

The constitution was not well received, on account of suspicions entertained of a design to increase the executive powers at the expense of popular rights.

But the country was now exposed to a more immediate danger; the prospect of an invasion from Colombia.

The Bolivian code had disappointed the inhabitants of Bolivia itself, and an insurrection had taken place in Upper Peru, having for its object the destruction of that constitution, and the expulsion of the Colombians. Although General Sucre had been chosen President of Bolivia by the spontaneous voice of congress, and although he had accepted the appointment for two years, on the condition that 2000 Colombian troops should remain

with him for that period, which proposal was assented to by congress; yet the pride of the Bolivians was mortified, and they were determined to free themselves of their allies. The Peruvian government were invited to co-operate with the revolutionary party, and a force was accordingly sent, under Colonel Gamarra, with whose aid Sucre, after a gallant resistance, was deposed, and taken prisoner.

Bolivar saw, in this step, the progress of the party opposed to his ambitious designs. The constitution which had been forced upon Peru, had been rejected; and not contented with that domestic triumph, the leaders of that revolution had undertaken to aid their compatriots in Upper Peru, in shaking off the shackles so artfully imposed upon them in the hour of unsuspecting gratitude, under the guise of a constitution.

Their sentiments even infected the soldiers left to retain Peru in subjection, and the army of Colombia, so far from being willing to forge fetters for the Peruvians, had shown themselves more ready to sever those, which were preparing for their own countrymen. This difference in their political principles, almost rendered it impossible for the two parties to remain in peace, until after a full trial of strength. But there were other motives to the war of a national

character. The Peruvians were indebted to Colombia, \$3,595,000, for the expenses of the liberating army, which they did not find it convenient to pay. They were charged, too, with being actuated by a desire to possess themselves of Guayaquil, and of the province of Jaën, and part of Mainas. Insults, too, had been offered to Colombian officers by the Peruvian authorities, and the troops seduced to revolt against their own country. Such were the grounds upon which Bolivar justified the war, and actuated by these reasons, and probably not a little exasperated at the opposition to his ambitious projects, and at the extinction of his hopes of fame as a legislator, by the destruction of the code of his political faith, he immediately issued the following address, declaring war against Peru :

Fellow citizens and soldiers !

The perfidy of the people of Peru has removed all limits, and overturned all rights, of their neighbours of Bolivia and Colombia. Notwithstanding a thousand outrages, borne with heroic patience, we have found ourselves at length obliged to repel injustice by force. The Peruvian forces have entered into the heart of Bolivia, without a previous declaration of war, and without any cause for it. Such abominable conduct lets us know what we have to hope for from a government which does not know, either the laws of nations, or those of gratitude ; nor will follow the courtesy due to friendly people and brothers. Let us refer to the list of the crimes of the government of Peru, and your suffering cannot discover itself without a terrible cry of vengeance. But I do not wish to excite your indignation, nor re-open your painful wounds.

I only call you to be on your guard against those wretches who have violated the soil of our daughter, and who attempt now to profane the bosom of the mother of heroes. Arm yourselves, Colombians of the south ! Fly to the frontiers of Peru, and hope for the hour of revenge. My presence among you shall be the signal for battle.

(Signed) BOLIVAR.

Bogota, July 3, 1828.

A manifesto, setting forth the justifying causes of the war, followed, which will be found among the public documents in the second part of this volume. The Peruvians, on their part, also declared war against the Colombians, and denounced the ambitious projects of Bolivar, and his attempts to reduce their republic to a state of dependence and slavery. General La Mar, in answer to Bolivar, issued the following proclamation :

Soldiers !

I come to place myself at your head, to share the dangers and the glory of the campaign to which you are provoked. The sworn enemy of Peruvian independence—the violator of our national rights—he who cannot hear you called virtuous without being furious with anger—the only man who proclaims despotism in the continent of America—General Bolivar, has dared to declare war against us—his presence on the frontiers being to serve as a signal for the combat. You will conquer the arrogant slaves who accompany him in so fratricidal an enterprise : you will revenge the outrages offered to your honour, the insults heaped upon the republic, and will build the prosperity of two friendly and sister nations.

Soldiers ! Such are your sublime destinies—in you the country places these precious hopes ; show yourselves worthy of so great a trust ; comply with the wishes of your fellow citizens, which are the expression of the law and the measure of your duty.

Soldiers! Valour distinguishes freemen from the wretches who drag on their existence in slavery; but the strength of the republican phalanx consists in discipline, morality, and concord. These are the guaranty of victory, and the terror of our enemies: without discipline there is no order—without order there is no morality—and without morality there is none of that unity of sentiments which ought to make you present yourselves, generously resolved to conquer, or to perish for the happiness of your country, and for the preservation of your integrity and independence. Companions! war to those who seek their own aggrandizement in our humiliation! Peace and friendship to the Colombian nation, which is our friend, sister, and ally.

JOSE DE LAMAR.

Tambo Grande, October 12, 1828.

Previous, however, to coming to actual collision, several unsuccessful attempts were made to arrange these complicated difficulties. A correspondence, the substance of which we insert, passed on the subject between the two governments, without effect.

Bogota, July 31, 1828.

Most excellent Sir—It is expedient that the war in which our respective Republics have unhappily engaged, should be brought to a speedy conclusion: the welfare and happiness of both countries require it, and the Government of Colombia most earnestly desires it, in order that all animosity between two sister nations, friends and allies, may entirely disappear, and that concord and good understanding may be re-established. For this purpose, inasmuch as it is impossible to come to any understanding during hostilities, I have commissioned Colonel D. F. O'Leary to arrange and definitively conclude an armistice, which will be the beginning of the reconciliation and the preliminary of peace.

(Signed) SIMON BOLIVAR.

ESTANISLAO VERGARA, Secretary of Foreign Affairs.

To the most excellent the President of the Republic of Peru.

REPUBLIC OF PERU.

Legation near the Government of Colombia, Buenaventura, August 14, 1828.

To the Hon. Minister of Foreign Affairs of the Republic of Colombia.

Sir—The undersigned has seen with the deepest sorrow, the proclamation of His Excellency the President of Colombia, in which he declares war against Peru. Every man of sense had foreseen this development: the desires of his Excellency the Liberator were very well known, and had not escaped the penetration of the Government of Peru. Therefore the undersigned, by express instructions he has received for this event, finds himself under the necessity of declaring, that his Government was persuaded that nothing could be gained by friendly and conciliatory measures, and that its only motive for sending an envoy was to hasten this fatal discovery, and show to the world that it omitted no means to preserve peace, and prevent the scandal of two nations, governed upon the same principles, and with similar institutions, and which have only just thrown off the heavy yoke which for three centuries oppressed them, soaking the soil of America with the blood of her sons.

The undersigned is at the same time commanded to declare, that the Government of Colombia will be held responsible for all the expenses, all the evils that may be caused to that of Peru, by the necessity in which it is placed of repelling an unjust aggression to preserve its rights uninjured, and the security of its territory inviolable.

JOSE VILLA,

Minister Plenipotentiary of Peru.

A note from Colonel O'Leary, transmitting his credentials, drew the following reply:

PERUVIAN REPUBLIC.

Foreign Office, Palace of Government, Lima, Sept. 30, 1828 (9.)

Sir—The Minister of Foreign Affairs of Peru has the honour to reply to the note of the Commissioner of General Bolivar, dated Quito, August 31, and accompanied by a copy of his credentials, for the purpose of arranging an armistice which is to be the preliminary of peace. The Government of Peru loves peace as sincerely as it abhors the war in which

the nation it presides unfortunately finds itself engaged, and therefore cannot but admit the mission of Colonel O'Leary. His Excellency the Vice-President of Peru, desirous of accelerating the good effects of the mission, and of preventing any obstacles from occurring after its commencement, wishes to know previously to sending the safe conduct and passports to the commissioner, what are the principal bases upon which the negotiation is to be commenced; which data, although not always requisite, yet must be allowed to be in the present case, in consequence of the peculiar circumstances of this unfortunate misunderstanding.

MANUEL DEL RIO,
Minister of Foreign Affairs.

REPUBLIC OF COLOMBIA.

Commission of the Government of Colombia to the Government of Peru.

To the Minister of Foreign Affairs of Peru.

Sir—The Commissioner of his Excellency the Liberator, President of Colombia, has had the honour of receiving the note of the minister of foreign affairs of Peru, dated the 30th of September last, in which, after signifying the love of peace and abhorrence of war, which animate this government, and its desire of accelerating the good effects of the mission with which the underwritten is intrusted, wishes previously to know what are the bases upon which the negotiation is to be entered into.

"The undersigned observes with sorrow a manifest contradiction between the desire of peace which the said note expresses, and the means of obtaining it proposed by Mr. Rio. The great distance between Lima and this city makes the communication difficult. Nearly two months have elapsed from the time the underwritten solicited a safe conduct, to the day on which he received the reply. Two more will elapse in fresh replies, and perhaps during that interval blood will be shed which ought to be spared; but the government of Peru, in whose power it is to avoid these evils, is alone responsible for the result.

"The undersigned, participating in the sincere desires of peace which guide his government, hastens to remove the new difficulties created by the Government of Peru, in exacting a condition which Mr. Rio confesses is not always necessary, and which is, in fact, very unusual. His

Excellency the Liberator President, has not imposed upon the undersigned any restrictions, nor has he confined him to any bases as conditions *sine qua non*. His wishes for peace are as cordial as the powers are ample which he has granted to his commissioner.

To re-establish a good understanding between Peru and Colombia, the President of the latter republic only requires what is just. Strict justice will, then, be the basis upon which the negotiation for peace is to be commenced.

The undersigned, notwithstanding the note to which he is now replying, and the exalted discourses which the editors of Peru attribute to their chief magistrates, make him fear that the happy epoch of a sincere reconciliation is yet distant, still repeats his request that the Government of Peru will send him the necessary safe conduct for himself and his suite to proceed to Callao in a ship of war of their nation, or that it will send to this city a commissioner fully authorized to arrange and definitively conclude an armistice. For this purpose, and to accelerate the negotiations, the undersigned has the honour to transmit to Mr. Rio a blank safe conduct; but if the Government of Peru refuse to accept these frank proposals, the undersigned most solemnly protests that the government is and shall be responsible for all the evils that may occur in case the differences between Colombia and Peru are left to the decision of the sword.

The undersigned takes the liberty of pointing out to the Minister of Foreign Affairs an irregularity which he has committed, in addressing the note to which the underwritten is now replying, to the Commissioner of his Excellency General Bolivar. Always disposed to excuse faults which may have been involuntarily committed, the undersigned is not inclined to consider in the light of a fresh insult to the Colombian nation the motive of this complaint, and he therefore rather attributes it to a doubt as to the title his Excellency the President Liberator might have received since the people confided to him the unlimited command of the Republic.

"The annexed decree will inform the Minister of Foreign Affairs that his Excellency has preserved the denominations which the law and the voice of the people have conferred upon him: and

the undersigned is under the necessity of declaring that he will not, in future, receive any communication in which they are not set forth whenever allusion is made to the Chief of Colombia.

DANIEL F. O'LEARY.

This correspondence indicated a state of feeling, that was not favourable to an amicable adjustment of the existing difficulties.

The war accordingly commenced, and the government issued proclamations to the soldiers of the republic, to the Colombians in Peru, and to the inhabitants of the upper section of the country.

These proclamations evinced a spirit of determined opposition to Colombia. The Rubicon was now passed. Something more effectual, however, than menaces, was necessary, and an army of 5,000 men, under General Lamar, entered the Colombian territories, while the fleet commanded by Admiral Guise, sailed to attack Guayaquil. Bolivar immediately despatched 3,000 men to the defence of that place.

Before their arrival, the squadron, consisting of a frigate and a corvette, had attacked the city—laying in front thereof, three days, and firing 3,000 shot. They also, battered down a fort, and landing a small party, spiked the guns, consisting of seven brass pieces. During the attack the frigate grounded and might have been destroyed, had the Colombians acted with ordinary courage. The whole affair,

however, was trifling in its results, excepting the loss to the Peruvians of the brave Admiral Guise, who was killed by the explosion of a cartridge, on board his own ship.

On the 19th of January, articles of capitulation were entered into, surrendering the city to the Peruvian squadron. By this instrument it was agreed (in order to save the inhabitants from a rigorous blockade, and the evils consequent thereupon) that if official news should not be received within ten days of a battle having been fought between the Colombian and Peruvian armies, the place should be evacuated by the Colombians.

If the Colombian army should lose a battle, the place to be evacuated within three days after the receipt of the intelligence. The Colombian vessels of war artillery, and other armaments in the city, to be delivered up, but to remain in trust during the war, and not to be used against the Colombian republic, or any part of it: the commander of the Peruvian squadron to direct the form of government to be established after the surrender, &c. There having been no battle within the time agreed on, the place was evacuated by the Colombians, and taken possession of accordingly by the Peruvians.

The Peruvian army, meanwhile, remained on the northern frontier, awaiting the arrival of the division from Bolivia, which having suc-

ceeded in expelling the Colombians from that republic, had immediately commenced its march for Colombia.

Having been joined by this division they pursued their march into the Colombian territories.

On the 4th of February the advanced guard was met by the Colombian army, under the command of Sucre, the deposed president of Bolivia, now commander extraordinary of the Colombian army of the south, and superior chief of the departments of southern Colombia. A skirmish ensued, and the Peruvians were driven back to the main body of the army. On the 25th, two Peruvian battalions and a company of horse, under General Plaza, were stationed in Jiron, and the main body at San Fernando. On the 26th, the Colombian army moved to Tarqui, and preparations were made on both sides for an approaching general engagement.

The pass of Tarqui is a high eminence, with broken ground in front. On one side are some steep ascents, and on the other a thicket covering the defile, which is termed the pass. The division of General Plaza occupied the heights commanding the pass; but the thicket on the opposite side had been neglected as impenetrable. General Sucre had detached a body of sharp shooters, supported by the Sedeno troop, to commence the attack by surprise.

This detachment mistook its way, and was fired upon by the troops of Plaza. A rifle battalion, under the command of General Flores was sent to its support, who penetrated the thicket, and the action commenced. The division of Plaza being defeated, General Lamar, at the head of about 3000, appeared in person on the heights.

The Colombians were on the point of giving way, when the second division of their army under the command of O'Leary, was seen approaching. They were ordered to hasten their march, and were immediately led to the charge. The Peruvians, after a faint resistance, abandoned their positions and retreated to a plain about a league from the field of battle, where they fell in with the second division of their army, which could not be brought up in time to take part in the action.

The situation of the Peruvians had now become perilous, and their commander deemed it necessary to listen to proposals for a capitulation made by Sucre. Generals O'Leary and Flores were appointed commissioners on the part of Colombia, and Generals Gamarra and Orbegoso on the part of Peru.

The commissioners met at a house equi-distant from the two camps, and agreed upon the following articles as the "basis of a definitive treaty" between the two countries.

Art. 1. The military force of the Peruvians and Colombians, on their respective frontiers, shall be reduced to 3,000 men each.

2. A commission shall be appointed to fix the boundaries of each state.

3. The same commission shall establish the mode of paying the debt due by Peru to Colombia.

4. Relates to the adjustment of a further claim of the Colombians on the Peruvian purse.

5. The Peruvian government will give that satisfaction to the Colombian state for the expulsion of the "*charges des affaires*," of the latter from Lima, which is usual amongst nations; and Colombia will explain the causes why she refused to receive the Peruvian representatives.

6. Neither state is to interfere with the government of the other, and it is agreed to recognise the independence of La Republica Boliviana.

7. The strict observance of article 6 is to be settled by a particular treaty.

8. On account of the mutual distrust existing between the two powers, it is agreed to request the United States of North America to act as a mediator, and guaranty the treaty to be made.

9. As Colombia will never consent to sign a treaty of peace whilst any part of her territory is occupied by a hostile force, it is agreed, that the Peruvian army shall retire to the south of Macara; and to conclude all matters of difference, both parties shall send plenipotentiaries to Guayaquil, in all the month of May. In the mean time, small garrisons only shall remain in the frontier towns.

10. The Peruvians will restore the corvette Pinchica, and in one year's time pay \$150,000, to cover the debt that *el Tiempo* and the squadron of Peru have contracted in the departments of Asuay and Guayaquil, and as an indemnity for injury done private property.

11. The Peruvian army on the 2d of March, is to commence retiring from the Colombian territory by way of Loja, and in twenty days after is to have completed the evacuation.

12. Colombians and Peruvians are to be treated by each state as natives.

13. The commissioners will endeavour to procure a general amnesty from the contracting powers.

14. In this preliminary treaty is commenced a definitive and perpetual alliance between the two states against all foreign invasion.

15. The contracting parties agree that the definitive treaty shall be immediately formed on the basis of this agreement.

16. The blockade declared against the Colombian ports, shall be considered as having ceased, so soon as the commissioners of both armies have entered Guayaquil.

17. Quadruplicates of the agreement to be made for the respective parties.

Given and signed in el Campo de Jiran, Feb. 27th, 1829.

According to the Colombian statement, the Peruvian army consisted of 8000 strong, of which about 500 were left dead on the field, and upwards of 2000 wounded and taken prisoners; while their own loss in killed and wounded was but about 500.

This account is highly exaggerated; and though the inferior strength of the Peruvians, is sufficiently obvious, still the terms imposed by the Colombians show, that they were strong enough to excite apprehensions.

A column of jasper was directed to be erected on the field of battle, commemorative of their victory, and indicative of the superiority of the Colombians in arms.

This decree of General Sucre, was well calculated to mortify the pride of the Peruvians, and was certainly ill timed, the preliminaries of peace being merely agreed on, and not yet ratified.

General Sucre, in affixing his

signature, made use of the following preamble :—" Wishing to give an undoubted testimony, and the most incontestible proof that the government of Colombia does not seek for war—that it regards the Peruvians with affection—and that it does not wish to share the victory for the humiliation of Peru, or to take a grain of sand from her territory—I approve, confirm and ratify this treaty."

The intelligence of this affair excited at the capital, surprise and indignation. By the political code of the republic, the power of ratifying treaties was not vested in the executive, but was the exclusive prerogative of congress—it being a maxim, that, as the *nation* alone could declare war, so also, the *nation*, through the voice of their representatives, alone possessed the power of concluding peace.

The government, therefore, refused to ratify the treaty, and decided, that the war should be continued.

Meanwhile a conspiracy was detected in the capital itself, having for its object the overthrow of the government, and the indiscriminate massacre of the whites. To promote this horrible enterprise, a female by the name of Juana, was commissioned to seduce the slaves of the neighbouring plantations. Their design was to place a mulatto by the name of Bernardo Ordonez, at the head of the government ; and

books were found, containing the names of the candidates for the principal offices. The conspirators were surprised together, in a house, on the evening of the 22d of April, and fourteen of them arrested. Among them was an officer, by the name of Juan de Dias Algorta, who had been imprisoned more than a year on suspicion of having been engaged in a similar plot, some time previous.

On the receipt of the news of the convention of Jiron, Colonel Jose Prieto, commandant of the department of Guayaquil, refused to accede to that part of the convention, which stipulated for the restoration of Guayaquil to the Colombian arms.

He accordingly addressed an order on the 13th of March to Don Juan Jose Arrieta, military commander of the circuit of Baha, in which he says,—“ Although hostilities have ceased by the terms of the preliminaries, yet, under the most weighty considerations I have resolved to suspend the execution of the referred treaty so far as relates to this department and this squadron, in accordance with the decision of an extraordinary council of war, convened by my order on the 11th instant, until the final decision of the supreme government, upon the suggestions of the said council, shall be made known.”

He goes on to direct the provision of means of defence, resolving

to "sustain the existing order of things at all hazards, unless new instructions shall be received to the contrary. A communication was also addressed by him on the same day to General Illingrot, of the Colombian army, making known to him, his resolution, and expressing his willingness to accede to an armistice, until the decision of his government (to which he had forwarded despatches) should be received. A proclamation, in the high sounding phrase of the Spanish language, was issued to the inhabitants and Garrison of Guayaquil, which we subjoin.

Fellow citizens and soldiers: When the officers of the squadron, and the town, being assembled in a council of war, on the 11th of the present month, came to a solemn determination not to evacuate the place until the decision of the supreme government should be known, they well knew that this determination, dictated by their patriotism, their honour and their rights, was conformed to the wishes of the people, promotive of their best interest, and demanded by a sense of national honour. Shall this honour be compromised in the presence of the brave defenders of liberty? Will they suffer the liberty of Peru to be sold by the convention of Jiron, and that of the whole continent to be put at hazard? No, no; they groaned with horror, when by that same enemy the veil was torn asunder which concealed from their view the precipice which opened to the grave of their country, and the hand of posterity about to imprint a foul blot upon the brilliant page which was destined to transmit their brave deeds and illustrious names to future time. Their generous spirits, kindled into the most noble and holy indignation, demand this day from the enemies of their glory, a public and explicit retraction of the degrading impostures, (representations of the battle, &c.) with which they have dared to blacken their conduct,

and are preparing to wipe away those aspersions by engagements more successful without doubt, than that of Tarqui, in which the Colombians will have the opportunity to display the heroic valor which they claim in this.

Guyaquilenians! Overflowing with joy, animated with delight, I hasten to communicate to you the plausible news that already the tyrants despair of ruling you, of usurping your rights, of satiating themselves with your blood, of enjoying your riches. You are under the protection of the army, and as a guaranty of your security, I offer you the majesty of the Peruvian republic. You enjoy all its privileges.

Soldiers! You possess the same sentiments which animate your companions of the army; your desires are one; your intrepidity is the same; the same Peruvian blood flows through your veins; the same also will be your efforts, your sacrifices, and your devotion to the public good,—the only rule by which your ancient companion will regulate his conduct.

JOSE PRIETO.

Guayaquil, March 22, 1829.

The resistance thus offered to the fulfilment of the convention of Jiron, was the signal for a renewal of hostilities. Guayaquil now became the seat of war.

Bolivar, apprized of the signing of the convention, had continued his march to Ecuador, one of the southern departments of Colombia, "to superintend the arrangements between the two governments, and to insure the fruits of the late victory." On the part of Peru, 3000 troops were transported by sea, from Paita to Guayaquil, and every exertion made to secure that city, and prevent its being occupied by the Colombians.

It was evident that the first point of attack would be Guayaquil; and

to this quarter, therefore, all eyes were turned.

After the battle of Tarqui, the Peruvian army, about 2500 strong, took up their march for Yanquilla. Here they were reinforced by several small detachments, which increased their force to about 3500 infantry, and 600 cavalry.

General Illingrot was at Daule; with a detachment of Colombian troops, while General Flores, with the main body of the army, commenced his march from Sanborodon, upon Guayaquil.

The contest was still undecided, when a conspiracy broke out in the capital, on the 5th of June, 1829, and produced a total change in the government. This event had been for a long time expected, and was effected without blood-shed.

After the defeat of Tarqui, President La Mar daily became more unpopular. Of a weak and undecided character, but with good intentions, General La Mar had, by his imbecility, plunged the nation, first into war, and then into disgrace.

He had inflicted a wound upon the national pride; that, rankling in the minds of the citizens, destroyed his former popularity, and weakened the remembrance of his ancient services.

The public finances were in a deplorable condition; commerce depressed; and the people suffering under the heavy contributions im-

posed upon them for the support of the war.

The mines had been stopped for the want of funds; the revenue was exhausted; the officers of the customs were notoriously rapacious and dishonest; and the nation was on the brink of insolvency and ruin.

In addition to these political calamities, her cities had been prostrated by an awful dispensation of Providence; and to consummate her embarrassments, the crops had failed, while a victorious and powerful army was on her frontiers, headed by a chief whose military skill and reputation was known and dreaded. The capital and its vicinity were infested by bands of robbers, who waylaid passengers, and descending from their fastnesses in the mountains, carried off cattle, arms, and even the persons of individuals, from their estates.—General discontent and alarm prevailed, and the public mind, vacillating, and highly excited, was ripe for revolution.

In this state of affairs, General La Fuente (who was said to favour the views of Bolivar) made a movement upon Lima, at the head of his division of 1500 men, and taking possession of the city and of Callao, effected a bloodless revolution of the government. General Lamar was displaced. La Fuente himself, assumed the Vice-Presidency in the room of Don Manuel Salazar, and issued the following decree:

Considering, 1. That the Republic is on the borders of destruction, through the errors, want of energy and respectability of the former administration :

2. That all the good Peruvians have solemnly manifested their desire for a judicious change :

3. That I should be responsible before God and man, if I should disobey the voice of the people and of the army, who have demanded to place me at the head of public affairs :

4. That as a Peruvian and as a man, I ought to shrink from no sacrifice to save the country in the present horrible crisis.

5. That the Vice-President who was charged with the executive power, being convinced of the necessity of a change for the reasons above stated, and for many others which are known to the public, has relinquished the command in my favour :

IT IS DECREED,

1. From this date, the direction of the Republic is provisionally vested in my person, and will be exercised by me until the meeting of the national representation, under the title of Supreme Chief.

2. At 10 o'clock on the morning of the 8th inst. the generals and officers of the army and navy—the civil, military, and ecclesiastical authorities—will meet in the hall of the government house, to proffer their respective allegiance.

ANTONIO GUTIERREZ DE LA FUENTE.

Government House in Lima, 6th June, 1829.

This change of affairs caused general satisfaction, and the people began to look for a cessation of hostilities.

Their expectations were soon realized. On the 18th of April the Peruvian frigate *Prueba* had been destroyed by fire in the harbour of Guayaquil. This accident, in giving to the Colombians the entire control of the Pacific, served also to hasten the termination of the war.

On the 19th of June the Colom-

bian army was at Samboradon, headed by the Liberator in person.

A communication was addressed to the Peruvian general, demanding the restitution of Guayaquil, and threatening an attack in case of refusal. This communication led to a correspondence between the two commanders, which resulted in an armistice, or preliminary convention of peace, between the two nations.

By this instrument the duration of the armistice was fixed at seventy days ; and all hostilities, by sea and land, were to be suspended ; the department of Guayaquil and its fortresses, were to be put at the disposal of the government of Colombia ; the blockade of the southern coast of Colombia was to be raised, and a negotiation for a definitive treaty immediately commenced.

On the 31st of August, congress met, and chose General Gamarra president, and General La Fuente vice-president. Commissioners were appointed to negotiate the treaty of peace ; and on the 22d of September, 1829, a definitive treaty was concluded between the two nations. This treaty provides for the adjustment of the boundary lines (which were in general to conform to those between the old viceroys of New Grenada and Peru) by a commission ; for the reduction of the armies on the frontiers ; for the free navigation of all rivers

and lakes which cross the dividing boundary line, and for the adjustment of the amount of the debt from Peru to Colombia, by a joint commission.*

Thus terminated this unhappy, and to Peru disastrous war. The power of Colombia was much superior to that of Peru, her resources greater, her armies composed of disciplined and experienced veterans, and above all, headed by officers whose skill and courage Peru had herself witnessed. Weakened also as she was by intestine divisions, it is not surprising that in the contest Peru should have been humbled and defeated. But the moderation of the terms imposed by the victor, affords one of those favourable indications in the character of the Liberator, which notwithstanding his pertinacity in holding the supreme authority, and his success in augmenting its powers, lead us to hope that he will yet perceive how lasting honour is to be acquired, and that he will not add another name to the long and melancholy list of fortunate soldiers, who have disappointed the hopes of the friends of freedom.

The republic of Upper Peru, called Bolivia, like the other states of South America, has hitherto been the prey of revolutions and anarchy.

When in 1824, by the decisive

battle of Ayacucho, the liberties of the country had been placed upon a foundation secure from every danger but those brought upon it by domestic factions, the people with the characteristic enthusiasm of Spaniards in a moment of transport, decreed extraordinary honours to the Liberator of Colombia; assumed his name, and requested a memorial of his worth as a legislator, in the formation of a constitution for the new republic.

The victorious Sucre whose, glorious fate it was to lead the patriots in this decisive defeat of the Spanish arms, was rewarded with the title of Marshal of Ayacucho, as indicative of the theatre of his most illustrious achievement; and when the founder of the republic, in the plenitude of his own power, assumed the task imposed upon him, and granted a political code to the people, the Marshal of Ayacucho was at once elected to the office of President for life.

The Bolivian code has hitherto been the subject of comment in our former volumes; yet deeming it, as we do, the cause of much of the sanguinary civil strife that has ensued in the new states of America, we shall recapitulate a few of its leading features.

The fame of Bolivar has perhaps suffered more from this "confession of his political faith," than from any other cause.

* Vide Public Documents, 2nd part.

The most odious feature of the Bolivian constitution, is the irresponsibility and perpetuity of the executive. Chosen in the first instance by the legislature, holding his office for life, and having the power to nominate his successor: in addition to his irresponsibility for any acts committed by him, the President possessed the power of filling every office in the state; appointing and removing at pleasure. The immense power thus placed in the hands of the executive, was without any other check than a clause securing the inviolability of persons and property. The form of government was central or consolidated, and in this respect, was perhaps better suited to the wants of that people, than any other form. The legislative power was of a novel and absurd character.

It consisted of three branches, called tribunes, senators, and censors; the tribunes elected for four years, senators for eight, and censors for life. The allusions so frequently made in the proclamations and messages of Bolivar, to the names of Roman and Grecian warriors and statesmen, with the sounding titles given to the different branches of this complicated form of government, point to the sources whence he obtained materials for his favourite child, thus brought into existence, and springing full grown from his teeming imagination. Notwithstanding its

manifest absurdities, the representative wisdom of Bolivia adopted it without a murmur, and at once elected Sucre President, in violation of one of its articles, requiring the President to be a native of the country.

Sucre accepted the office on condition that 2000 Colombian troops should remain with him for two years. This was acceded to, and the new administration went into effect.

Bolivar, elated with his new prospects of fame and power, had also imposed the Bolivian code upon Lower Peru, when he was called by the insurrection of Paez, and the threatening aspect of affairs, to Colombia. Upon his departure, his opponents began to gather strength. The Bolivian code was overturned in Peru, mainly by the instrumentality of his own soldiers, the third division of the Colombian army; and General La Mar, distinguished for his opposition to the views of the Liberator, had assumed the reins of government. It was evident that the power of Bolivar was on the wane, and people began to look more critically into his conduct, and to scrutinize his motives.

Popular opinion, that irresistible power which had driven the partisans of monarchy from their high places on this continent, that even in the old world has compelled the legimitates of Europe to swerve from their purposes, now commenced

the work, that threatened to overturn the power and the popularity of the Liberator.

At length the flame burst forth at Chuquisaca, in the spring of 1828. An insurrection ensued, and President Sucre was wounded, and lost his arm in his endeavours to quell the tumult.

The revolutionary party had also called to their aid the forces of Peru; and General Gamarra, at the head of about 6,000 men, entered the territories of Bolivia.

On the 11th of May, 1828, the Peruvians made their entry into La Paz, and their commander issued an address to the people, in which he sets forth the causes which led to an invasion of the Bolivian Republic.

"I come," says he, "because the inhabitants of Chuquisaca, Potosi, and other towns, circumjacent to your city, composing the liberal portion of your citizens, have called me from the other side of the *Desaguadero*. It is not my wish to interfere in domestic concerns, to grant offices and exact money, wherewith I am more than abundantly supplied. My sole desire is to rescue Bolivia from the ambitious sway of foreign rulers, who, in freeing you from ignominious chains, have imposed others still more galling, if possible, than those of Spain.

"Subjected to the yoke of mercenary despots, you have invariably been the mere sport of their caprice. Peru could no longer behold with indifference the misfortunes of Bolivia. A permanent and an irresistible authority are inconsistent with the enlightened spirit of our times, and examples highly pernicious to our sister republics. Ambition is unknown to me; to leave you an independent people shall constitute my only reward; and when unincumbered by your spoils, and unpolluted by exaction, the liberating ar-

my shall withdraw from your land, I trust that the kiss of peace will hallow our farewell. For freemen conquest has no incentives; ambition no charms. The Peruvians are not usurpers; to foreigners who fought to enslave your country, the stigma of such a title alone appertains."

Gamarra, also, in another communication, forwarded to La Paz, announcing his approach, described his object to be, to save the life of Sucre, which was threatened by the insurgents at Chuquisaca, and to mediate between the two factions which distracted the country. To this communication, Don José C. Andrade, in behalf of Sucre, whose wound prevented his personally answering the communication, replied, stating that the mutiny at Chuquisaca was a trivial affair, and protesting against any intervention on the part of Peru, in the domestic concerns of the country.

He beseeches Gamarra, if his professions are sincere, to retire from Bolivia, and forbids any applications to the Colombian troops quartered in the country.

Gamarra, having continued his march, the President *interim* issued a proclamation, calling the Bolivians to arms. General Urdineta had, meanwhile, been despatched from Colombia with 3000 troops to the assistance of Sucre, but furnished no effectual aid. The Peruvians entered town after town, without resistance; and, weakened as the government was by the de-

fection of their principal officers who joined the invaders in large numbers, Gamarra soon succeeded in compelling the government to accept his terms of mediation. The preliminaries of peace were signed on the 6th of July at Piquisa, between Gamarra and Urdineta, who was invested with full powers by Sucre, in substance as follows:

In fifteen days, the generals on both sides were to set out and leave the country, and remain out of it on half pay until the national assembly should convene, when it should be determined whether they were to continue in the service of arms. The grenadier and hussar squadrons of Colombia were to march to Arica, where transports were to be furnished to take them home at the expense of Bolivia. The constituent congress of Bolivia was to be convoked for the 1st August at Chuquisaca, to receive Sucre's resignation, to name a provisional government, and to call immediately a national assembly to revise, modify, or retain the constitution.

This assembly was also to nominate a president, and determine when the Peruvian army should leave the country. That army was in the mean time to occupy the department of Potosi, and on the meeting of congress to move for Paz and Orupo; and as it evacuated the departments, they were to be filled with Bolivian troops. Oblivion of all past acts was agreed

on; and the two republics were to re-establish at once their diplomatic relations.

The authority of President Sucre having been thus suppressed, the Colombians embarked at Arica for Guayaquil. Sucre having sent in his resignation to the congress which assembled on the 3d of August, immediately embarked in an English ship for Callao, where he arrived on the 10th of September. He here tendered his services to effect a reconciliation of the difficulties between the two governments of Peru and Colombia, which were refused. He embarked at this place for Guayaquil, and on his arrival was appointed by Bolivar commander extraordinary of the department of the south, in which capacity he afterwards ratified the disgraceful capitulation of the Peruvians at Tarqui.

On the retirement of Sucre, General Velasco filled the presidential chair. Gamarra, who was on his march to Colombia, was displeased with this appointment; and notwithstanding his assertion that it was not his wish to interfere in the domestic concerns of the country, he wrote to General Blanco, advising him to march upon La Paz with his army, to displace Velasco, and to remove every class of officers hostile to him, appointing others on whom he could depend in their stead.

Blanco did not think it neces-

sary to follow this advice, but remained quiet until the meeting of the convention, which assembled on the 16th of December. This body displaced Velasco, and elected General Blanco president, and General Loaysa vice-president. On the 31st of December a revolution broke out at the capital, headed by Colonels Armoso, Vera and Bollivian, which resulted in the deposition and death of Blanco, who was killed by the troops on the night of the 1st of January. A provisional government was established temporarily, with Velasco at its head, until a new president could be elected. The existing form of government remained, and shortly after General Santa Cruz was chosen president.

Santa Cruz was formerly president of Lower Peru, whence he had been banished with the title of minister plenipotentiary to Chili. His personal popularity, united to great talents and experience, with the fact of his being a native of Bolivia, marked him out for the station of president, and on his election all parties rejoiced in the prospect of a restoration of tranquillity. On his acceptance of the appointment conferred upon him, the citizens of Chili, in testimony of their respect for his private worth, fitted out the national corvette Achilles to transport him to his native country.

VOL. III.

On his arrival at Arequipa he was received with acclamations, and his march to the capital was a continued scene of triumph.

The following address was issued by him to the people, on assuming the executive power.

Fellow citizens!

I am here in the midst of you, constrained by your entreaties, with a heart wholly intent on your felicity. Your misfortunes have awakened my sensibility, and induced me to fly to your succour. I come to Bolivia, determined to sacrifice my ease and even my life, in justification of the confidence you have reposed in me.

Fellow citizens!—All America has been astonished at your misfortunes. The events which have taken place in Bolivia, are a disgrace to liberty. On passing the boundary of your territory, I have entered a country entirely disorganized, its laws sunk into oblivion, its repose interrupted, its inhabitants mutually jealous and hostile to each other, and in short, all the branches of the administration thrown into disorder. Such are the melancholy circumstances in which I find Bolivia on my induction into office. Happy shall I be, if I succeed in fulfilling my duties, and in accomplishing all the good which you have expected from me.

Fellow citizens!—The most majestic measures are scarcely sufficient to remedy the evils you have suffered, and which still threaten you. I am resolved to adopt them. Authorized by circumstances, and by your own will, which has called me to save you from certain destruction; I shall prepare the way of your felicity, and overcome in the best manner I can, the difficulties which may present themselves. Observe that I cannot attach myself to the party interests which have distracted you. One only principle shall actuate me, viz.: a desire for the general welfare. My administration will be impartial, my politics frank and unalterable, and my system consistent. Avoiding the two extremes equally destructive to government, oppression and inefficiency, I shall respect your rights, sustaining with my blood, the sacred vow of national independence. I shall never regard persons, but things;

and all my efforts will be directed to the general good. Compatriots—Let there be no more disorders. I am come to be the centre of all parties. Come and repose in my bosom, where you will find patriotism and good faith. I do not wish to know of your divisions and past excesses. Tell me only that you are Bolivians, and that you know how to obey the laws. I promise you on my part, that I will grant you repose; I will establish your destinies on the firmest basis of public happiness, and you will have the safest guaranties that no one shall violate them with impunity. Bolivians—this is the most auspicious occasion which can be offered, to show yourselves a respectable

and happy nation. Let it not pass unimproved.

ANDREZ SANTA CRUZ.

Palace of the government in La Paz of Auchucho, 24th May, 1829."

Since this period, the country has remained comparatively in a state of tranquillity, and we sincerely hope, that the administration of Santa Cruz may result in the preservation of the country from that frightful state of anarchy, which has disturbed its neighbours.

CHAPTER XXI.

BRAZIL AND LA PLATA.

War between Brazil and Buenos Ayres—Dissolution of federate government of La Plata—Maritime movements—Claims on Brazil—French claims enforced—Buenos Ayrean privateers—Commissions recalled—Peace—Finances of Brazil—Mutiny at Rio Janerio—Change of Brazilian ministry—Terms of peace—Bank of Brazil—Relations with Portugal—Departure of Donna Maria—Don Pedro's Address to the Portuguese nation:

BUENOS AYRES—Dorrego deposed and shot—Civil war with the interior—Expedition to Santa Fe—Conspiracy in Capitol—Defeat of Southern Army—Buenos Ayres besieged—Brown resigns—French fleet takes possession of Buenos Ayrean squadron—Peace agreed upon—Rupture.

THE war between Brazil and Buenos Ayres, which continued during a portion of the time of which we intend to give an account, renders it convenient to treat of the affairs of these two countries in one chapter. Towards the close of the year 1827, the movements of the belligerents indicated, that they were preparing for another active campaign.

The diplomatic interference of the British government in behalf of the emperor of Brazil, had totally failed by attempting too much. By inducing the negotiator of the republic, Manuel J. García, to concede all the points in dispute to Don Pedro, it had caused the rejection of the treaty by the Buenos

Ayrean government. A more unfavourable treaty could not have been forced upon it, after a disastrous campaign; and hitherto, success had attended the arms of the republic. Besides driving the Brazilian troops from their positions in Entre Rios, and the Banda Oriental, they had invaded the province of Rio Grande, and almost annihilated the coasting trade, and blockaded the chief ports of Brazil by means of her numerous privateers.

The finances and credit of the republic were, indeed, at a low ebb; but this peace, of which the terms could scarcely have been more unfavourable if dictated by Brazil, of course was rejected; and its rejection led to the resignation

of Rivadavia, and the almost unanimous election of Don Manuel Dorrego, as president of the province of Buenos Ayres.

This province had latterly been compelled to bear the chief burden of the war—the national congress and government having voluntarily dissolved on the 1st of August, 1827, in consequence of the total disregard by the other provinces of their federal engagements.

The provincial government of Buenos Ayres, on the 27th of the same month, assumed the direction of the war, and of the foreign relation, and devoted all its energies to the discharge of the new duties forced upon that province by the desertion of the others. Commissioners were sent to the different local authorities, to solicit their co-operation in the war; and the province of Cordova, the next in importance to Buenos Ayres, determined to aid in the prosecution of the war, and to furnish a regiment of troops, and other assistance. Measures were also taken to reunite the provinces, but without success.

In the mean time, the province of Buenos Ayres prosecuted the contest with renewed vigour. The hostile armies in Rio Grande remained inactive, but some places formerly belonging to the viceroyalty, called the *Misiones Orientales*, were reduced by the forces of the province. It was on

the ocean, however, that the greatest activity was displayed. Although far inferior, in the force and number of vessels, to the Brazilian fleet, their seamen were vastly superior in courage and skill. Their public armed vessels and privateers, almost invariably were successful, except when opposed to overwhelming force. Admiral Brown, with a squadron of light vessels, kept the blockading Brazilian fleet in the La Plata in constant terror, and in the partial engagements which took place, sustained the honour of the republican flag. The blockade, however, was kept up by the Brazilians, though not so rigorously that it was not sometimes evaded, and at other times, the Buenos Ayrean cruisers undertook to force their way through the blockading squadron.

On the 16th of June, 1828, the brig *General Brandzen*, Captain De Kay, in returning from a successful cruise, was attacked by the squadron, and after a most gallant resistance was driven on shore and destroyed. The officers and part of the crew escaped in the boats. In this engagement, a Brazilian brig of 14 guns grounded within gun-shot of the fort on Point Lara, and was sunk by the Buenos Ayreans. The next day a conflict took place between the two fleets, without any decisive result. Several partial engagements occurred, and the war was continued, neither

party being able to make any extraordinary exertion, while their resources were wasted and their energies crippled by the contest. Both parties, however, continued to exercise their belligerent rights, to the great annoyance of neutral commerce, and so contrary to the ordinary usages of civilized nations, as to provoke the interference of other powers.

The depredations of Brazil had already brought her into collision with the United States, whose minister demanded his passports, as mentioned in the 2d volume of this work. Prompt measures, however, were taken to prevent any ulterior steps, and the Brazilian minister at Washington was directed to promise indemnity for the illegal captures; and a convention was afterwards concluded, liquidating the amount.

The French minister had also ineffectually urged the claims of his own countrymen, for the capture and unauthorized condemnation of their property. Finding that the negotiation was protracted, and that their just claims were disregarded, the French government determined to do itself justice, by the same means by which it had itself been compelled to do justice, for a *portion* of the confiscations of neutral property by Napoleon.

In the beginning of July, 1828, a French fleet made its appearance

before the port of Rio Janeiro, and after forming in line of battle, entered the harbour and anchored within musket-shot of the town, to the great surprise and terror of its inhabitants.

Indemnity was then demanded for the illegal captures. The Brazilian government sought to negotiate, and insisted that the squadron should relinquish its hostile attitude. But indemnity or reprisals seeming to be the only alternative; a promise of indemnity was given by the Emperor, although some objection was made on the part of the chambers, which was then in session.

With this promise the admiral was satisfied; and the negotiations being renewed, a convention was concluded on the 21st of August, 1828, between the two governments, relative to the indemnities to France. By this convention, Brazil agreed to pay to the French government the value with 6 per cent. interest, of certain vessels captured by the blockading squadron, and definitively condemned by the Brazilian tribunals, in three several payments at 12, 18, and 24 months after the liquidation of the amounts. The amounts, with the damages, were to be determined by a joint commission, before the 28th of February, 1829.

An additional article was also agreed to, by which the vessels of either party were not liable to cap:

ture for endeavouring to enter a blockaded port, unless previously warned off and the warning regularly endorsed on the papers of the vessel.

While the irregular and unlawful conduct of the naval officers of Brazil exposed their government to these indignities; the still greater irregularities of privateers sailing under the Buenos Ayrean flag, subjected the republican government to the remonstrances of the governments of this country and of England, on account of the facility with which commissions were granted to private armed vessels.

Under pretence of warring upon the enemies of Buenos Ayres, they plundered American and European vessels indiscriminately; and this licensed piracy was carried to such an injurious extent, as to induce Lord Strangford (whose intimate acquaintance with Spanish and Portuguese affairs in both hemispheres gave additional force to his observations) to remark, in his place in the House of Lords, that these unwarrantable commissions were granted, for the express purpose of benefiting individuals concerned in the administration of the Buenos Ayrean government.

One of these privateers was taken possession of in the harbour of St. Barts, by Captain Turner of the U. S. sloop of war Erie; and the officers and crew of another captured by a British cruiser, 35 in

number, were executed in St. Thomas for their outrages upon the laws of nations.

These aggravated abuses of beligerent rights excited the pointed attention of commercial nations; and the American chargé d'affaires at Buenos Ayres, Mr. Forbes, urged upon the government the propriety of recalling all the commissions previously issued to private armed vessels. This urgent request was complied with; and on the 17th of March, 1829, all the privateer commissions, whether issued against Brazil or Spain, were annulled, and the national cruisers were directed to disarm them wherever found. Previous, however, to the promulgation of this decree, the preliminaries of peace between Brazil and Buenos Ayres had been agreed upon.

Both parties were nearly exhausted. The finances of the republic were in the utmost confusion, and it had been even obliged to suspend the payment of interest on its debt contracted in London. The Brazilian government was in a condition not much better. The bank notes had depreciated 40 per cent. within the year. The report of the minister of finance showed a deficit of 5,769,037,000 reis; and in addition to the want of means, the government was further weakened by the mutinous spirit displayed by the regular troops. In order to maintain his power in

Brazil, Don Pedro had procured between 2 and 3,000 of German and Irish soldiers from Europe, to enlist in his army. These soldiers were kept in distinct regiments, instead of being amalgamated with the rest of the army. Brazilian officers were put over them; and as if the government had intended to prepare the materials of rebellion, they were kept unemployed in the capital, badly fed, and paid in depreciated paper money. The necessary consequence followed. They were constantly involved in disputes with the native inhabitants, and on the 10th of June, 1828, in consequence of the punishment of one of the German soldiers, the battalion to which he belonged openly mutinied.

Having imprisoned their colonel and burnt their barracks, they began to insult the citizens. The next day the other German battalion followed their example. They insisted that they had been deceived by the government in the terms of their enlistment. That they had been led to believe, that they would only be required to act as militia in the settlements where they might be distributed, and that the government had violated its faith in employing them in the regular army. The government endeavoured to pacify them, and succeeded in persuading them to return to their quarters; but the next day their suspicions of its sincerity,

and the exhortations of the Irish soldiers, who had also determined to mutiny, induced them again to revolt; and they proceeded to violence and plunder. A scene of confusion and disorder now ensued, in which many of their officers were put to death; and the city during three days presented the appearance of a place taken by storm. The Brazilian militia were called out, but they were held in too great contempt by the mutineers to produce any effect. The apprehension of a servile revolt increased the horror of the moment, and it was not until assistance was furnished from the French and English fleets in the harbour, that the government ventured to employ the proper means to quell the revolt.

After a strong body of marines, about 600 in number, were landed to protect the palace and arsenal, force was resorted to. An action took place, and after some firing the mutineers retreated to their quarters, and the next day surrendered, upon a pledge on the part of the English and French ministers, that their just complaints should be attended to.

Their pay was then made up to them—the Germans were generally distributed in the province of Rio Grande, the seat of war, as agriculturists, and some were detached to the defence of the forts—and measures were taken to send

the Irish out of the country, to Canada and Ireland. This revolt produced a change of ministry, and probably hastened the conclusion of the negotiations of peace.

The want of decision on the part of the government in quelling the revolt, was imputed to the minister of war, and his seals of office were unceremoniously demanded. His colleagues, upon hearing of his dismissal, and well knowing that his inefficiency was as much the inefficiency of the Emperor, who was himself on the spot, resigned their places also, with the exception of the minister of foreign affairs. Their resignations were accepted and a new cabinet was formed, Jose Clemente Pereira being created minister of the Judicial department; Jose Bernardino Baptista Pereira of finance; Francisco Cordeira da Silva Torres, of war, and the Marquis de Parangua, minister of marine. This last, however, was soon succeeded by Miguel da Souza Mello e Alveria. The event which led to this change, plainly indicated the expediency of concluding the war with Buenos Ayres; and the urgent advice of the British government, together with the necessity of devoting his attention to the settlement of affairs in Portugal, had at last disposed Don Pedro sincerely to desire peace. The government of Buenos Ayres was

equally desirous of peace, it being even more necessary on account of the disorganization of the government—then virtually dissolved, and every thing prognosticating the anarchy which speedily ensued.

It was not, therefore, difficult to agree upon the terms of pacification. The quarrel had originated in the claims of Don Pedro to the left bank of the river La Plata, including Monte Video, as part of the Brazilian empire. Buenos Ayres also claimed it as part of the former viceroyalty. Neither party had any just claim to the disputed territory, whose inhabitants desired to be independent, and who, unaided by either claimant, had achieved, and until this war had maintained their independence. The obstinacy with which the contending parties had urged their claims, had rendered futile the previous negotiations. They now, however, were compelled by their inability to continue the contest, to relinquish their respective possessions and to agree that the Banda Oriental and Monte Video should constitute an independent state, under a government of their own choice, whose independence and integrity, were to be guaranteed by both the contracting parties.

The treaty* which was concluded on the 27th of August, 1828, then proceeds to declare, that upon

* Vide Public Documents, 2d part.

its ratification the existing governments of the Banda Oriental and Monte Video shall respectively convoke the representatives of the province and of the city—the election at Monte Video to take place without the walls and free from all constraint. The deputies were to assemble at least ten miles distant from any military post, to frame a provisional government, in place of the two existing governments, which were to cease. They were then to form a political constitution for the permanent government, which was to be submitted to the commissioners of the guarantying parties, for their supervision and approval. The government was to be sustained in its authority merely for the preservation of order, during the first five years of its existence, by the two parties to the treaty, and after that term it is to be completely independent.

The Brazilian territory was to be immediately evacuated by the republican forces; and both parties were to withdraw their troops from the territory of Monte Video, with the exception of 1500 on each side, which were at liberty to continue until four months after the establishment of the permanent government. They were then to be withdrawn; hostilities were to cease immediately; prisoners to be liberated, and a full amnesty granted to the inhabitants of Monte Video

and of the Brazilian territory occupied by the Buenos Ayreans.

An additional article provided, that the navigation of the La Plata and its tributaries should be open to both nations for 15 years. In the month of December succeeding, the city of Monte Video was evacuated by the Brazilian forces, according to the stipulations of the treaty. General Rondeau was appointed provisional Governor of the new power of Banda Oriental, and assumed the command at the same time.

A national flag was then formed, and declared to consist of a white ground with nine light blue horizontal stripes, with a sun in the corner next the staff.

Thus terminated this unnecessary contest, which had been so long prosecuted, to the great injury of the parties, the annoyance of neutral commerce, and without any adequate motive. In the treaty of peace, however, are to be found provisions which are well calculated to produce further differences, and which probably will lead to new hostilities, unless the parties are prevented by internal weakness or dissensions.

This seems to be their more natural destiny.

Since the conclusion of the war, Brazil has been endeavouring to remedy the evils under which she laboured during the contest, and to

advance the claims of Donna Maria to the crown of Portugal.

The greatest domestic calamity was the state of the currency, which chiefly consisted of the depreciated paper of the Bank of Brazil. Several attempts were made to reduce the amount in circulation, without producing any favourable effect upon the public credit. A deficit of 5,769,037,000 reis already appeared. The rate of exchange was every day becoming more unfavourable; and the vast importation of slaves,* a trade which Brazil, to her disgrace, still authorized, drained the country of specie, and contributed to augment the existing embarrassments.

In order to remedy the defects of the currency, the executive government, in April, 1829, proposed to the chambers the following articles:

Art. 1. The Bank of Brazil shall be administered by a Commission of seven members, four of whom shall be appointed by the Government, and three by a majority of votes of a general assembly of the said Bank. The Government will select the president of the commission from among the seven members, and the said assembly shall fix the monthly remuneration which shall be due to their services. As soon as the commission is installed, all the existing agreements with the Bank shall cease.

Art. 2. The directing commission shall be incessantly engaged—first, in withdrawing from circulation all notes which are payable at the Bank, or may have a metallic currency; secondly, in ascer-

taining the exact number of notes in circulation, substituting for them new ones, which shall be signed by two members; thirdly, in winding up all the accounts of the Bank, and especially those relating to the debt of Government; fourthly, in liquidating all the regular transactions of the Bank, which may be found still pending; fifthly, in receiving the active credits of the Bank, and liquidating the passive ones forthwith; and sixthly, in examining the state of the Bahia Orphans' Fund, and of St. Paul, and to liquidate both with speed.

Art. 3. The Government shall give to the directing commission the necessary instructions, and will decide on cases of doubt, which may occur in the execution of the preceding article.

Art. 4. The nation shall acknowledge the current value of the present notes of the Brazil Bank, and those which may be substituted for them, so that they may freely circulate, and be received as readily as specie by the public until they are duly redeemed, in security for which the primitive funds of the Bank are assigned—that is, its funds of reserve, or the metallic funds existing in its coffers, the debt of the Government, the debts of private individuals to the Bank, and every thing else which may constitute the credits of the Bank. The deposits in the Bank are also assigned as security to the public.

Art. 5. The debt of the Government to the Bank, before and after the liquidation by the Directing Commission, shall continue to pay an interest of 1 per cent., which will be given by the public Treasury to the said Commission; that it may be divided half-yearly among the shareholders.

Art. 6. The Directing Commission shall render to the Government a monthly account of their labours, and shall every year lay before the Legislative Assembly a statement of the affairs of the Bank, and of the administration of them; and when the Commission has concluded the liquidation of the Bank's debts and credits, and redeemed its notes, they shall distribute the balance which may remain among the shareholders, and then dissolve the establishment.

Art. 7. The Government shall be authorized to contract a loan in gold or

* In 1827, the number of slaves imported into Brazil, amounted to 29,787. In 1828, to 43,555; and in the first quarter of 1829, to 13,459.

silver specie, equal to the three fifths of the amount of its actual debt to the Bank. The produce of this loan shall be exclusively applied to the purchase of notes of the said Bank which are in circulation, according to the value they may be found to bear on the market: and all the notes thus bought up shall have no longer any value, excepting as payment to the Directing Commission on account of the said debt to the Bank.

Art. 8. The purchased notes from the market, which are to be cancelled and delivered to the Directing Commission, shall remain for the account of the Junta, and employed in the reserve fund created by the law of the 15th of November, 1827, so that they may be delivered up by the public treasury to the Junta in extinction of the said loan, in proportion as they are received.

Art. 9. The produce of the loan, authorized by the present law, shall not be applied to any purpose but that which is specified in the 7th article, on pain of the penalties attached to those who dissipate the national property; neither shall the bank notes withdrawn with that produce be applied to any other purpose than that specified in that article, under pain of the same penalties.

Art. 10. (This article authorizes the Chamber of Deputies to furnish the necessary subsidies, or a sufficient revenue, for the annual payment of interest, and for the sinking fund reserved for the loan in question.)

The legislature adopted the financial suggestions of the executive without much deliberation; but the Emperor finding that notwithstanding these votes the difficulties continued, intimated in his speech at the close of the session, his dissatisfaction, that no effectual remedy was devised for the pecuniary distress of the government. The affairs of Portugal, which had been increasing in interest since the granting of the charter by Don Pedro, occupied his attention almost

exclusively, after the close of the war, with Buenos Ayres. The separation of the two kingdoms, and the events which followed the promulgation of the charter, have been already narrated in the chapter on Portugal.

Upon hearing of the ungracious reception given to his charter, and of the rebellion of Chaves, Don Pedro was very indignant, and intimated that had he not have been detained in Brazil by the most imperious necessity, he would have visited Portugal in person to put down the insurrection. This, however, was not practicable, and probably the intimation itself was but a political *ruse*. He then turned his attention to Don Miguel, whom he appointed as his lieutenant, to govern the kingdom according to the charter, during the minority of his daughter. In order to secure the fidelity of his brother, Don Pedro issued certain decrees, in which he declared his abdication of the crown of Portugal conditional and incomplete, until the marriage of Don Miguel and Donna Maria. Until this event should take place, Don Pedro claimed to exercise the rights of sovereign; and he created peers; money was coined in his name, and all the acts of government run in his name, and not in the name of his daughter. In this manner he thought to secure both kingdoms to his children; and the British cabinet, (for

we find it difficult to avoid the conclusion, that these movements were made with its approbation, and probably originated with its minister,) believed, that it would thus maintain its controlling influence in both divisions of the ancient kingdom of Portugal. It was, however, soon ascertained that the Portuguese nation were unwilling to submit to decrees emanating from a government on the other side of the Atlantic. The necessity which had compelled the reigning family to flee from Portugal, having ceased, it was of course expected that the monarch should return to the residence of his ancestors; and although while the question was still pending, the principle of legitimacy procured some respect for the authority of Don Pedro; that feeling rapidly subsided, when it was known that he intended to continue in Brazil, and that Portugal was to be governed as a dependency of its former colony.

To avert the crisis which this state of popular feeling was hastening, Don Pedro, on the 3d of March, 1828, issued another decree, resigning the crown in favour of Donna Maria unconditionally, and charging Don Miguel, in his character of Regent, with the execution of that decree. While Don Pedro was promulgating these decrees, for the settlement of Portugal, Don Miguel was preparing to assume the crown in his own right

as absolute king; and before the decree of the 3d of March arrived in Europe, the charter was overthrown, and the convocation of the cortes had been resolved upon, with the view of establishing the government upon its ancient footing. The scheme, therefore, of putting Donna Maria on the throne, was no longer practicable, except by means of a war, or a revolution.

Notwithstanding the suspicious movements of Don Miguel, and the great probability of the rejection of the proposed arrangement, it was thought expedient, that she should sail for Europe, in the expectation that Don Miguel would be content to reign with her, rather than hazard the consequences of a refusal. On the 5th of July, 1828, she accordingly sailed from Rio Janeiro, accompanied by General Brandt, the Marquis de Barbacena, and arrived at Gibraltar, as we have already stated, in the chapter on Portugal. Scarcely had the squadron left the harbour, when the news arrived of the convocation of the cortes, for the purpose of authorizing Don Miguel to assume the crown in his own right. This information demonstrated the futility of the plan to force a constitutional government on the Portuguese nation, in the form of a grant from the representative of its legitimate monarchs. Free institutions can only spring from an enlightened public opinion, or from a govern-

ment in the actual exercise of authority ; and the attempt to confer them upon an ignorant people, accustomed to servitude, while their administration was intrusted to a party of different principles and interests from those who framed the charter, was a solecism in politics which could only have originated in the school of British diplomacy.

Such an attempt must inevitably end in the overthrow of the government thus created, or in its establishment and maintenance by force. No other result ought to have been contemplated, and the persisting in the course of policy originally devised, after the reluctance of the Portuguese nation was so apparent, proves the folly and weakness of Don Pedro, and his foreign diplomatic advisers. He still, however, thought to overcome their reluctance by paper edicts, and on the 25th of July, he issued the following address :

Portuguese!—It is not as your king that I am now addressing you, as my abdication has been completed ; but as the father of your legitimate queen, Donna Maria II., and as her guardian.

The compulsion under which my brother, the Infant Don Miguel, the regent of the kingdom, labours, is, in every point of view, clear and manifest. To entertain a contrary opinion would be an offence against his honour, which I deem untainted ; it would amount to considering him a traitor to the assurances or protestations he made to me whilst I was his king, and reputing him perjured in his oath, which he so freely and spontaneously took at Vienna, in Austria, and ratified at Lisbon before the nation legally represented, in conformity with

the constitutional charter which was offered and granted by me to you, and accepted by himself and by you, and freely and solemnly sworn to.

A disorganizing faction, under pretence of defending the throne and the altar, in disregard of all religious, civil, and political considerations, is constantly at work in the midst of unhappy Portugal ; it disputes the indubitable and inpre-scriptible rights by which your queen legally ascended the throne of her ancestors ; it domineers and lords it over the regent ; it rules the kingdom ; it has dissolved a Chamber of worthy Deputies, distinguished by their deserts and merits. Another chamber was not immediately convoked, according to the 5th title, 1st chapter, 74th article, and 4th paragraph of the constitutional charter, thereby manifestly usurping the legislative power. A junta was appointed to issue fresh instructions for the election of deputies, which were called legal. These instructions never appeared ; on the contrary, the constitutional charter was destroyed by a single blow, by calling together the ancient Cortes, an institution already abolished by the oath to this very same constitution. Aggressions committed on citizens who were faithful to their oaths have been applauded. The troops whose duty it was to watch over the public safety, have been permitted and even authorized to commit atrocities in the very capital itself, under pretence of defending the throne and the altar. How far can misfortune carry incautious and weak men ! Nor did the faction stop here. It lauded Portuguese soldiers when committing acts of insubordination against their chief—against commanders faithful to their oaths, resting on the two principal anchors—the throne and the altar. What throne could permit the commission of such crimes ? What religion could enjoin the execution of proceedings so contrary to decency and the decorum of respectable and distinguished families ? Ah, Portuguese ! to what a pass is your unfortunate country brought, under the dominion of fanaticism, hypocrisy and despotism. Were it possible for your ancestors to rise from their graves, they would suddenly drop down dead at seeing the cradle of their victories transferred into such horrors.

You are worthy of a better fate. In your own hands is your happiness or your

ruin. Follow my advice, Portuguese; it is given to you by a philanthropic and truly constitutional heart.

It is time that you should open your eyes, and all unite and stand by the oaths you have taken to the constitutional charter, and to the rights of your queen. By doing this, you will not only save your country, but likewise my brother, by defending the true throne, and the true Roman Catholic and Apostolical religion, conformably to the manner in which you swore to maintain it. Give not the victory, oh, Portuguese! to the enemies of constitutional monarchical governments, who wish to see perjurers placed upon thrones, in order to strengthen their arguments against such forms of government. Far be it from me to call my brother a perjurer or a traitor: he acts, no doubt, under compulsion; and I consider, and shall consider him in this light, as long as the heads of the disorganizing faction do not leave Portugal. Portuguese; stand by the constitutional charter; it is not of foreign growth—it was granted to you by a constitutional king; and what evils has it brought upon you? Liberty, of which you had only a promise before. Yes, Portuguese, bedew the tree of liberty with your blood, and you will see how it will flourish amongst you, and bear fruits, in despite of all intrigues and machinations. Do not suffer it to be assailed by the blows, perfidy and treason to the country—that country which is already oppressed by the yoke of the most ferocious despotism. You are a free people—you form an independent nation; what more can you hope for? The governments of Europe support the legitimacy of your queen. Fight for her, and for the constitutional charter, and fear nought in the shape of obstacles. Consider that the cause you are going to defend is the cause of justice, and that you are bound to it by an oath. The truth does not penetrate into the presence of your regent. Fanatics, hypocrites, demoralized and despotic men, have blinded him. The imminent danger in which his life is placed, makes him submit to this faction, the like of which has never been seen amongst the Portuguese people, which was ever free from the commencement of the monarchy, as the pages of its history prove. Follow the example of those ancient Portuguese; approach your regent; speak to him very plainly and

respectfully, as they spoke to the king Don Alfonso IV., and tell him, "By the path in which your highness suffers yourself to be led, you will inevitably plunge yourself into the deepest abyss; govern us conformably to the constitutional charter, which both your highness and ourselves have sworn to, and know that this is the only legitimate course we choose to see adopted." If you do this, you will see that he, finding the Portuguese disposed to support him as constitutional regent, will withdraw himself from the shameful tutorage by which he is now ruled, and which would lead him to the precipice, from whence he can never recede with honour; and that he will throw himself into your arms, in order to govern you according to law, and render you happy. Aid him, Portuguese! otherwise he and you will become victims of anarchy. My conscience is free from remorse. I explain the truth to you; if you choose to follow it, you will be happy; if not, you will find the most artful despotism raising its head amongst you, which you will never be able to crush again.

Rio de Janeiro, July 25.

(Signed)

PEDRO, Emperor.

FRANCISCO GOMEZ DA SILVA.

(A true copy.)

The effect of this address, and the movements of the party in favour of the young queen, have already been treated of. Donna Maria continued to reside in England, and the intentions of Don Pedro and his ally remained enveloped in uncertainty, down to the close of the year.

A new British envoy, Lord Strangford, arrived at Rio Janeiro, in the month of October, 1828, on a confidential mission; but enough has not yet transpired to enable us to speak with confidence as to its objects. By the Emperor's speech to the legislature, at the ex-

traordinary session, April, 1829, it appeared that an unusual number of Portuguese emigrants had arrived in Brazil, and that the public finances were still in the same state of disorder; the measures of the last session not having produced any beneficial effects.

The peace which had permitted the Emperor, Don Pedro, to turn his attention to the settlement of his domestic affairs, was still more acceptable to the republic of Buenos Ayres, whose concerns seemed involved in inextricable confusion.

It has been seen that the government was virtually dissolved, and that while the burden of the war was wholly thrown upon the province of Buenos Ayres, its revenues were cut off from the customs by the blockade, and from the interior, by the secession of the other provinces.

Don Manuel Dorrego, who was in favour of a federal, rather than a central government, had been elected President of the provincial government of Buenos Ayres, because he was popular in the other provinces, and it was supposed that they would more readily co-operate in the prosecution of the war, while he was at the head of affairs.

The war having been concluded without any efficient aid from them, and no success having attended the efforts to institute a national government; the confusion and disor-

ganization prevailing in the several departments of the public services, produced their natural effect.— Distrust and discontent pervaded the public mind, and the inhabitants of Buenos Ayres, with whom Dorrego was unpopular, in consequence of his not favouring their pretensions to the supreme government, began to prepare for another revolution.

This was effected through the agency of the army, which had been employed against Brazil.

On the night of the 30th November, 1828, information was given to the government, that symptoms of insubordination were manifested by the first division, and its commander, General Lavalle, was required to appear before the President. He told the messenger, that he would do so immediately, but for the purpose of deposing an officer unworthy of his post. At the dawn of day, accordingly, he occupied with different detachments of his army, the important posts, and took possession of the park of artillery.

A regiment of Caçadores with some artillery troops who adhered to the government, escaped into the fort, and prepared to defend themselves. The Governor, Don Dorrego, conscious of his weakness in the city, departed, upon the first movement of the revolvers, with the view of levying forces in the provinces; and the commanders of the troops in the fort, being

left without a head, opened a negotiation with Lavalle, which terminated in an agreement, that they would surrender the fort to any person elected by the citizens to preside over the province.

At one o'clock of the same day, the citizens were accordingly assembled in the church of St. Francisco, and elected, without a *dissenting voice*, General Lavalle as provisional governor of Buenos Ayres.

The fort was then surrendered to his army, and the late ministers, Guido and Balcarce informed him that although his authority did not emanate from the constitutional representatives of the province, they should recognize it with the view of promoting the public tranquillity.

General Lavalle then left the city in pursuit of Governor Dorrego, who was raising forces in the interior, for the purpose of restoring the former government, and appointed Admiral Brown to the civil and military command of the province during his absence.

On the 8th of December, he encountered the late governor, whose force consisted of about 1,500 men, near the lake of Lobos. An effort was made to negotiate; but that failing, Dorrego attempted to retreat to the north, where he expected reinforcements. This attempt was frustrated, and the next day he was brought to action, and after an engagement, in which the loss on

his side, was stated to exceed one hundred men, and that of Lavalle's army, at four killed, and twenty-two wounded, he was defeated, and his forces entirely routed and dispersed.

Dorrego and his suite fled from the field, and were closely pursued by the cavalry of the victors.

On the 13th of December, he was captured by a party under the command of Lieutenant Colonel Escribano, and shot by order of General Lavalle, in the presence of the army.

The American and British *chargé d'affaires* both interfered in his behalf, and assurances were given that his life should be spared, which, however, were not regarded. General Lavalle, after thus destroying his opponent, addressed the following letter to his excellency Don J. M. Diaz-Velez :

NAVARRO, DEC. 13, 1828.

SIR—I inform the delegate government that Colonel Manuel Dorrego has this moment been shot by my orders, in presence of the regiments which compose my division. History will judge impartially, whether Colonel Dorrego has, or has not, deserved to die—and whether, in sacrificing to the public tranquillity, one who has laboured to destroy it, I have been actuated by any other than feelings of patriotism.

The people of Buenos Ayres may rest assured, that the death of Colonel Dorrego is the greatest sacrifice that I could make in their cause.

JUAN LAVALLE.

This forcible overthrow of the government, followed by the execution of Dorrego, was the signal

of civil war, which raged until near the conclusion of our history.

The governors of the other provinces at once declared war against Lavalle and his party, and proclamations were issued, exhorting all to unite to put down these unitarians, or those who were in favour of a consolidated government. The governors of the provinces of Cordova, Santa Fe, Entre Rios, San Juan, Mendoza, Salta, and Corrientes, all issued circular letters, designating the revolution as scandalous and execrable, and calling upon the provinces to unite, to save the country from the usurpation of a club of factious men.

The war which now commenced, was a contest between the province of Buenos Ayres and the other provinces,—the former claiming the supreme government, the others advocating a federative form, or rather as they now stood, each province claiming and exercising the privilege of governing itself.

Upon the defeat of Dorrego, many of his officers, who escaped from the field of battle, assembled in the northern part of the province of Buenos Ayres, and having secured the co-operation of a large body of Indians, proceeded to join the army, forming in Santa Fe, for the invasion of Buenos Ayres. On their route, they were attacked on the 22d of January, by Lavalle, who totally routed them, taking 300 prisoners, and killing

or dispersing the residue. This success was followed by another, on the 6th of February, when Molina, their principal leader, was overtaken at the head of 500 men, and his army destroyed; he himself escaping with about fifty followers. Mesa, one of the leaders, was taken and with 14 others, shot in the public square at Buenos Ayres, under a forced construction of a law, which inflicts the penalty of death for taking part with the Indians against the government.

The levies in the provinces progressed slowly, while the army under command of General Lavalle, amounted to nearly 3,000 men. Under these circumstances, he seemed to be animated with the idea of extending the sphere of his revolutionary movements, and to reform the governments of the other provinces in the same manner. A large expedition was fitted out against Santa Fe. Several gunboats were directed to ascend the river Parana, to aid the operations of the army; and the war was carried on in the early part of the contest with energy, by Lavalle, and generally with success. While Lopez, the governor of Santa Fe, was collecting an army to invade Buenos Ayres, Lavalle with a portion of his army, was actually on the march towards Santa Fe. He soon arrived at the scene of action, and Lopez was compelled to retreat before his superior and

more disciplined troops. Every thing seemed to favour the cause of the new government of Buenos Ayres, and to promise the termination of the war in its favour.

Before, however, Lopez could be brought to action, Lavalle was recalled to defend the capital, whose safety was threatened by a hostile army near its walls; while it was far from being united and tranquil within. Even before the departure of Lavalle on his expedition to Santa Fe, some symptoms of disaffection were manifested. The press had been subjected to severe surveillance, and Colonel A. Pacheco, one of Lavalle's own officers, had been arrested for stating that Dorrego was captured by means of treachery. Other alarming indications of insubordination were given. On the 24th of February, a conspiracy was detected, having in view the subversion of the existing provincial government. Many influential men, and some holding high official stations, were implicated in this plot, and much excitement was occasioned by its discovery. The individuals concerned in it were all banished, part to Monte Video and the remainder to Patagonia.

This state of feeling in the capital, rendered it necessary for Lavalle to watch carefully the situation of affairs at home. Although this circumstance contributed, still the immediate cause of his return

was the defeat of what was designated the southern army. About the time he left Buenos Ayres to invade Santa Fe, Colonel Estomba proceeded at the head of some troops to suppress some insurrectionary movements in the south. After some unimportant skirmishes, this detachment was cut off, on the 28th of March, by its opponents who were called Monteneros. Having entire command of the country, and their force having been augmented by the Indians, they advanced towards the capital, under the command of General Rosa, the minister of war in Dorrego's administration, and filled its inhabitants with consternation. Such was the extremity, that Admiral Brown issued an order closing all the shops except those of the butchers and bakers, and required the foreigners to take arms in defence of the place. A portion of the exiles, 200 in number, about the same time escaped from their place of banishment, and joined their friends in the field.

Lavalle, therefore, was obliged for the present to relinquish his designs upon Santa Fe, and to return for the protection of Buenos Ayres. Lopez immediately followed him, and forming a junction with Rosa's army, brought him to action on the 27th of April. Lavalle lost most of his horses in this conflict, and was compelled to take refuge in the town, where

he was besieged by the confederate forces. Occasional skirmishes took place between the combatants—the Monteneros sometimes dashing into the suburbs of the city, armed with lassos, and after killing and plundering unarmed individuals, retiring upon the gallop; but nothing of importance occurred until the middle of May, when Lopez was compelled to draw off with his forces to protect Santa Fe from a detachment of about 600 men, sent by water from Buenos Ayres, with the view of effecting a diversion in favour of the besieged.

A reverse was also suffered by the federal party in Cordova, where one of Lavalle's adherents, General La Paz, deposed Boostus, the governor of the province, and assumed the power in his stead. This, however, did not relieve Buenos Ayres from the presence of a hostile army. Rosa still kept the field, and cut off all intercourse with the interior.

Business was suspended, and to aggravate the distress, the government was brought into a collision with the French Consul General which threatened the most disastrous results.

When Admiral Brown issued his decree, requiring foreigners to perform military duty in defence of the town, the representatives of the United States and Great Britain remonstrated, and obtained an exemption for their countrymen. The

French Consul General, also claimed the same exemption for the French resident merchants. The government refused to recognise any right on the part of the consul to make any diplomatic communications, and informed him that all Frenchmen who enjoyed the protection of the laws of the country, must be subjected to all the obligations imposed by those laws.

The consul then issued a circular to his countrymen, declaring that all who yielded obedience to that requisition, would lose their national character.

The government insisting that all foreigners who refused to serve, should quit the country within twenty-four hours, the Consul General, on the 2d of May, demanded his passports, and embarked on board of the French squadron in the harbour.

Governor Brown now began to find, that his nautical education had not qualified him for controlling what is figuratively called the *helm of state*; and on the 9th of May, he resigned his office as provisional governor of the province, on account of his incapacity, "finding himself out of the sphere of his talents." He was succeeded by General Martin Rodrigues.

The difficulty, however, into which he had brought the government, was not so easily terminated, for on the 21st of May, the French Admiral took possession of

the Buenos Ayrean squadron, consisting of the brigs Cacique, General Rondea, schooners Rio Bambá, and 11th June, and burnt the brig Argentina.

This brought on a negotiation, which resulted in the government's yielding its pretension to compel Frenchmen to perform militia duty, and the squadron was delivered up, with the crews, &c. The insults to the French flag, and the indemnities due to Frenchmen aggrieved by the measures of Buenos Ayres, were points reserved for subsequent negotiation. Nothing of importance occurred from this period, but trivial skirmishes, productive of no result, until the middle of June, when both parties, finding themselves growing weaker, and with but little prospect of effecting any thing decisive, opened a negotiation with the view of terminating hostilities. On the 24th of that month, the pre-

liminaries of peace were agreed upon, declaring hostilities at an end, and that the intercourse between the town and the interior, should be renewed. Representatives were to be elected according to the existing laws. General Rosa was to make arrangements to restore order in the country districts, and after the permanent government was established, both Rosa and Lavalle were to place their troops at its disposal.

This treaty, however, was scarcely signed, ere it was set aside, and the war broke out, and for a short time, seemed to threaten a continuation of that anarchy which had so long prevailed in this republic.—The difficulties were temporarily adjusted; but the history of this negotiation belongs to a period subsequent to that, which is embraced by this volume.

EXECUTIVE OFFICERS

OF THE UNITED STATES OF AMERICA.

	<i>Nativity.</i>	<i>Salary.</i>
John Quincy Adams, President,	Mass.	\$25,000
John C. Calhoun, Vice-President,	S. C.	5,000
Henry Clay, Secretary of State,	Va.	6,000
Richard Rush, Secretary of Treasury,	Penn.	6,000
James Barbour, Secretary of War,	Va.	6,000
Peter B. Porter, do. appointed May 23, 1828,	N. Y.	6,000
Samuel L. Southard, Secretary of Navy,	N. J.	6,000
William Wirt, Attorney-General,	Md.	3,500
John McLean, Post-Master-General,	N. J.	6,000

JUDICIARY.

	<i>Nativity.</i>	<i>Salary.</i>		<i>Nativity.</i>	<i>Salary.</i>
John Marshall, Chief Justice,	Va.	\$5,000	Joseph Story,	Mass.	\$4,500
Bushrod Washington,	Va.	4,500	Smith Thompson,	N. Y.	4,500
William Johnson,	S. C.	4,500	Robert Trimble,	Ken.	4,500
Gabriel Duvall,	Md.	4,500	deceased, 25th Oct. 1828.		

DIPLOMATIC CORPS.

To GREAT BRITAIN and IRELAND.

	<i>Nativity.</i>	<i>Salary.</i>
Albert Gallatin, Envoy, &c.	Geneva,	\$9,000
William B. Lawrence, Chargé d'Affaires, }	N. Y.	4,500
from Oct. 4th, 1828, to Oct. 15th, 1829, }		
James Barbour, Envoy, &c. May 23d, 1828,	Va.	9,000

FRANCE.

		<i>Salary.</i>
James Brown, Envoy, &c.	Va.	9,000
Daniel Sheldon, Secretary of Legation, dec'd.	Conn.	2,000
John Adams Smith, do.	N. Y.	2,000

RUSSIA.

		<i>Salary.</i>
Henry Middleton, Envoy, &c.	S. C.	9,000
Charles Pinckney, Secretary, &c.	Md.	2,000
Beaufort T. Watts, do.	S. C.	2,000

ARMY PROMOTIONS.

SPAIN.		
	<i>Nativity.</i>	<i>Salary.</i>
Alexander H. Everett, Envoy, &c.	Mass.	\$9,000
John A. Smith, Secretary, &c.	N. Y.	2,000
Charles S. Walsh, Secretary, June 17th, 1828,	Md.	2,000
MEXICO.		
Joel R. Poinsett, Envoy, &c.	S. C.	9,000
John Mason, jun. Secretary, &c.	Md.	2,000
CHILI.		
Heman Allen, Envoy, &c. returned Feb. 9, 1828,	Vt.	9,000
Samuel Larned, Secretary and Chargé d'Affaires } after Mr. Allen's return,	R. I.	4,500
NETHERLANDS.		
Christopher Hughes, Chargé d'Affaires,	Md.	4,500
PORTUGAL.		
Thomas L. Brent, Chargé, &c.	Md.	4,500
DENMARK.		
Henry Wheaton, Chargé, &c.	R. I.	4,500
SWEDEN.		
John J. Appleton, Chargé, &c.	Mass.	4,500
COLOMBIA.		
Beaufort T. Watts, Chargé, &c.	S. C.	4,500
William H. Harrison, Envoy, &c. appointed May } 24th, 1828,	Ohio,	9,000
BRAZIL.		
William Tudor, Chargé, &c.	Mass.	4,500
BUENOS AYRES.		
John M. Forbes, Chargé, &c.	Florida,	4,500
PERU.		
Samuel Larned, Chargé, &c. Dec. 29, 1828,	R. I.	4,500
CENTRAL AMERICA.		
William B. Rochester, Chargé, &c.	N. Y.	4,500

ARMY PROMOTIONS.

Alexander Macomb, May 24th, 1828, major general, vice Jacob Brown, deceased.

Washington, 31st December, 1827.

Promotions and appointments in the army of the United States, since the 11th July, 1827.

Third Regiment of Artillery.

Brevet 2d lieutenant Theophilus B. Brown, to be 2d lieutenant, (company 'D') 1st July, 1826, vice Smith, deceased.

Fourth Regiment of Artillery.

2d lieutenant John B. Scott, to be 1st lieutenant, ('H') 31st July, 1827, vice Alberti, resigned.

2d lieutenant Horace Bliss, to be first lieutenant ('B') 31st December, 1827, vice Willard, resigned.

Brevet 2d lieutenant Maskell C. Ew-

ing, to be 2d lieutenant, ('I') 1st July, 1826, vice Scott, promoted.

Brevet 2d lieutenant Danforth H. Tufts, to be 2d lieutenant, ('I') 1st July, 1826, vice Bliss, promoted.

Second Regiment of Infantry.

1st lieutenant James Yeung, brevet captain, to be captain ('I') 31st December, 1827, vice Wilkins, resigned.

2d lieutenant Samuel L. Russell, to be 1st lieutenant, ('C') 31st December, 1827, vice Young, promoted.

Brevet 2d lieutenant Amos B. Eaton, to be 2d lieutenant, ('K') 1st July, 1826, vice Russell, promoted.

Third Regiment of Infantry.

1st lieutenant Thomas J. Harrison, to be captain, ('F') 23d September, 1827, vice Browning, resigned.

1st lieutenant James Dean, to be captain, ('C' company,) 4th October, 1827, vice Watson, deceased.

2d lieutenant George Wright, to be 1st lieutenant, ('G') 23d September, 1827, vice Harrison, promoted.

2d lieutenant John D. Hopson, to be 1st lieutenant, ('C') 23d September, 1827, vice Webb, resigned.

2d lieutenant, J. W. Cotton, to be 1st lieutenant, ('K') 4th October, 1827, vice Dean, promoted.

2d lieutenant E. B. Alexander, to be 1st lieutenant, ('I') 29th December, 1827, vice Cowan, cashiered.

Brevet 2d lieutenant Edwin B. Bab-bitt, to be 2d lieutenant, ('K') 1st July, 1826, vice Wright, promoted.

Brevet 2d lieutenant Richard W. Col-cock, to be 2d lieutenant, ('A') 1st July, 1826, vice Hopson, promoted.

Brevet 2d lieutenant Charles L. C. Minor, to be 2d lieutenant, ('C') 1st July, 1826, vice Cotton, promoted.

Brevet 2d lieutenant Nathaniel C. Macrae, to be 2d lieutenant, ('G') 1st July, 1826, vice Williams, resigned.

Brevet 2d lieutenant Alexander G. Baldwin, to be 2d lieutenant, ('H') 1st July, 1826, vice Alexander, promoted.

Fifth Regiment of Infantry.

2d lieutenant St. Clair Denny, to be 1st lieutenant, ('E') 30th November, 1827, vice Hobart, dismissed.

Brevet 2d lieutenant John M. Berrien, to be 2d lieutenant, ('E') 1st July, 1826, vice Allenson, resigned.

Brevet 2d lieutenant James S. Allen, to be 2d lieutenant, ('B') 1st July, 1826, vice Denny, promoted.

Sixth Regiment of Infantry.

1st lieutenant Joseph Pentland, to be captain, ('A') 31st October, 1827, vice Cruger, resigned.

2d lieutenant John Nichols, to be 1st lieutenant, ('A') 31st October, 1827, vice Pentland, promoted.

Brevet 2d lieutenant Francis J. Brook, to be 2d lieutenant, ('K') 1st July, 1826, vice Nichols, promoted.

APPOINTMENTS.

Thomas Lining, S. C. to be assistant surgeon, 1st September, 1827.

Robert H. Sibley, La. to be assistant surgeon, 17th October, 1827.

2d lieutenant T. B. Wheelock, 2d artillery, to be assistant commissary of subsistence, 22d September, 1827.

2d lieutenant T. Jamison, 5th infantry,

to be assistant commissary of subsistence, 25th September, 1827.

2d lieutenant G. H. Crosman, 6th infantry, to be assistant commissary of subsistence, 3d October, 1827.

1st lieutenant John L'Engle, 3d artillery, to be assistant commissary of subsistence, 24th November, 1827.

TRANSFERS.

2d lieutenant H. H. Gird, of the 4th, transferred to the 2d artillery.

2d lieutenant F. L. Jones, of the 2d, transferred to the 4th artillery.

2d lieutenant T. Page, of the 1st, transferred to the 4th infantry.

2d lieutenant O. Cross, of the 4th, transferred to the 1st infantry.

Washington, May 28th, 1828.

ENGINEER CORPS.

Lieutenant colonel Charles Gratiot, to be colonel, 24th May, 1828, vice Maccomb, appointed major general.

Major J. G. Totten, brevet lieutenant colonel, to be lieutenant colonel, 24th May, 1828, vice Gratiot, promoted.

Captain Sylvanus Thayer, brevet lieutenant colonel, to be major, 24th May, 1828, vice Totten, promoted.

1st lieutenant Richard Delafield, to be captain, 24th May, 1828, vice Thayer, promoted.

2d lieutenant Stephen Tuttle, to be 1st lieutenant, 24th May, 1828, vice Delafield, promoted.

Brevet 2d lieutenant Alexander D. Bache, to be 2d lieutenant, 1st July, 1825, vice Tuttle, promoted.

First Regiment of Artillery.

2d lieutenant Charles Dimmock, to be 1st lieutenant, 20th February, 1828, vice Davis, deceased.

Brevet 2d lieutenant John Williamson, of the 4th, to be 2d lieutenant, 1st July, 1826, vice J. W. A. Smith, dismissed.

Brevet 2d lieutenant Ebenezer S. Sibley, to be 2d lieutenant, 1st July, 1827, vice Dimmock, promoted.

Brevet 2d lieutenant William Maynard, to be 2d lieutenant, 1st July, 1827, vice Schuler, resigned.

Brevet 2d lieutenant Lucian J. Bibb, to be 2d lieutenant, 1st July, 1827, vice Findlay, resigned.

Second Regiment of Artillery.

Brevet 2d lieutenant John B. Grayson, of the 4th, to be 2d lieutenant, 1st July, 1826, vice H. Smith, deceased.

Third Regiment of Artillery.

First lieutenant Upton S. Frazer, to be

captain, 1st May, 1828, vice Baird, resigned.

2d lieutenant Martin Burk, to be first lieutenant, 1st May, 1828, vice Frazer, promoted.

Brevet 2d lieutenant Augustus J. Pleasanton, of the 1st, to be 2d lieutenant, 1st July, 1826, vice Brisbane, resigned.

Brevet 2d lieutenant John Child, to be 2d lieutenant, 1st July, 1827, vice Burnham, deceased.

Brevet 2d lieutenant James A. J. Bradford, to be 2d lieutenant, 1st July, 1827, vice Burke, promoted.

Second Regiment of Infantry.

2d lieutenant Carlos A. Waite, to be 1st lieutenant, 1st May, 1828, vice Bicker, jr., resigned.

Brevet 2d lieutenant Silas Casey, of the 7th, to be 2d lieutenant, 1st July, 1826, vice Waite, promoted.

Fifth Regiment of Infantry.

Brevet 2d lieutenant, Moses E. Merrill, to be 2d lieutenant, 1st July, 1826, vice Griffin, deceased.

Brevet 2d lieutenant Ephraim K. Smith, of the 2d, to be 2d lieutenant, 1st July, 1826, vice Allen, resigned.

Sixth Regiment of Infantry.

Brevet 2d lieutenant Thomas H. Pierce, of the 1st, to be 2d lieutenant, 1st July, 1826, vice Eaton, deceased.

APPOINTMENTS.

Alexander Macomb, colonel and brevet major general of the engineer corps, to be major general, to take rank from the 24th May, 1828.

Lucius Abbot, to be assistant surgeon, 15th January, 1828.

J. B. F. Russell, 1st lieutenant, 5th infantry, to be assistant quartermaster, 14th March, 1828.

Assistant Commissaries.

1st lieutenant D. H. Vinton, of the 3d artillery, to be assistant commissary of subsistence, 20th March, 1828.

1st lieutenant A. Brockenbrough, of the 2d artillery, to be assistant commissary of subsistence, 20th March, 1828.

2d lieutenant George Nauman, of the 1st artillery, to be assistant commissary of subsistence, 24th March, 1828.

2d lieutenant J. W. Harris, of the artillery, to be assistant commissary of subsistence, 25th March, 1828.

2d lieutenant John S. Gallagher, of the 2d infantry, to be assistant commissary of subsistence, 13th March, 1828.

Department of War, July 14th, 1828.

PROMOTIONS.

First regiment of infantry.

Brevet 2d lieutenant John G. Furman, of infantry, to be 2d lieutenant, 1st July, 1827.

Seventh regiment of infantry.

1st lieutenant, John Stewart, to be captain, 30th June, 1828, vice Philbrick, resigned.

2d lieutenant Joseph A. Phillips, to be 1st lieutenant, 30th June, 1828, vice Steward, promoted.

Brevet 2d lieutenant Gabriel J. Rains, of infantry, to be 2d lieutenant, 1st July, 1827.

APPOINTMENTS.

Assistant commissaries.

2d lieutenant J. W. Kinsbury, of the 1st infantry, to be assistant commissary of subsistence, 25th June, 1828.

2d lieutenant John Williamson, of the 1st artillery, to be assistant commissary of subsistence, 8th July, 1828.

Second lieutenants by brevet from the military academy.

FOR THE ARTILLERY.

1. Cadet Albert E. Church; 2. Cadet R. C. Tilghman; 3. Cadet Hugh W. Mercer; 4. Cadet Robert E. Temple; 5. Cadet Charles O. Collins; 6. Cadet James J. Austin; 7. Cadet Edmund French; 8. Cadet Joseph L. Locke; 9. Cadet George E. Chase; 10. Cadet John T. Lane; 11. Cadet William Palmer; 12. Cadet Thomas B. Adams.

FOR THE INFANTRY.

*13. Cadet Robert E. Clary; 14. Cadet Robert Sevier; 15. Cadet Wm. W. Mather; 16. Cadet Enos E. Mitchell; 17. Cadet James F. Izard; 18. Cadet Thomas Cutts; 19. Cadet William H. Baker; 20. Cadet James L. Thomson; 21. Cadet G. S. Rousseau; 22. Cadet Benj. W. Kinsman; 23. Cadet Jefferson Davis; 24. Cadet W. L. E. Morrison; 25. Cadet Samuel K. Cobb; 26. Cadet Samuel Torrence; 27. Cadet Amos Foster; 28. Cadet Thomas Drayton; 29. Cadet Thos. C. Brockway; 30. Cadet John R. Gardener; 31. Cadet Crafts J. Wright; 32. Cadet James W. Penrose.

Department of War, October 27, 1828.

PROMOTIONS.

Second regiment of artillery.

2d lieutenant Martin Thomas, to be 1st

lieutenant, 27th October, 1828, vice Eakin, resigned.

Brevet 2d lieutenant W. E. Asquith, of artillery, to be 2d lieutenant, 1st July, 1827.

Third regiment of Artillery.

2d lieutenant R. D. A. Wade, to be 1st lieutenant, 10th September, 1828, vice Smith, deceased.

2d lieutenant Campbell Graham, to be 1st lieutenant, 11th September, 1828, vice Rigail, resigned.

Brevet 2d lieutenant N. B. Buford of artillery, to be 2d lieutenant, 1st July, 1827.

Brevet 2d lieutenant George Fetterman of artillery, to be 2d lieutenant, 1st July, 1827.

First regiment of infantry.

Brevet 2d lieutenant Thomas B. W. Stockton of infantry, to be 2d lieutenant, 1st July, 1827.

Second regiment of Infantry.

Major Alexander Cummings of the 7th infantry, to be lieutenant colonel, 20th August, 1828, vice Lawrence, promoted.

2d lieutenant J. B. Pendleton, to be 1st lieutenant, 17th September, 1828, vice Griswold, deceased.

Brevet 2d lieutenant Abner R. Hetzel of infantry, to be 2d lieutenant 1st July, 1827.

Fifth regiment of Infantry.

Lieutenant colonel W. Lawrence, of the 2d infantry, to be colonel, 20th August, 1828, vice Snelling, deceased.

1st lieutenant Martin Scott, to be captain, 16th August, 1828, vice Hamilton, resigned.

1st lieutenant Gideon Lowe, to be captain, 20th August, 1828, vice Burbank, promoted.

2d lieutenant David Hunter, to be 1st lieutenant, 30th June, 1828, vice Green, deceased.

2d lieutenant Henry Clark, to be 1st lieutenant, 16th August, 1828, vice Scott, promoted.

2d lieutenant Anthony Drane, to be 1st lieutenant, 20th August, 1828, vice Lowe, promoted.

2d lieutenant Alexander Johnston, to be 1st lieutenant, 22d August, 1828, vice Grier, deceased.

2d lieutenant W. B. Thompson to be 1st lieutenant, 30th September, 1828, vice Mellvain, resigned.

Brevet 2d lieutenant John G. Furman, of infantry, to be 2d lieutenant, 1st July, 1827.

Brevet 2d lieutenant Alexander S. Hooe, of infantry, to be 2d lieutenant, 1st July, 1827.

Brevet 2d lieutenant David Perkins, of infantry, to be 2d lieutenant, 1st July, 1827.

Brevet 2d lieutenant Alexander J. Center, of infantry, to be 2d lieutenant, 1st July, 1827.

Brevet 2d lieutenant Joseph H. Lamote, of infantry, to be 2d lieutenant 1st July, 1827.

Sixth regiment of Infantry.

1st lieutenant Jason Rogers, to be captain, 30th August, 1828, vice Ketchum, deceased.

2d lieutenant George H. Crossman, to be 1st lieutenant, 30th August, 1828, vice Rogers, promoted.

Brevet 2d lieutenant Philip St. George Cook of infantry, to be 2d lieutenant, 1st July, 1827.

Seventh regiment of Infantry.

Brevet major Sullivan Burbank, captain 5th infantry, to be major 20th August, 1828, vice Cummings, promoted.

APPOINTMENTS.

Assistant Surgeons.

William L. Wharton, to be assistant surgeon, 1st Sept. 1828.

Assistant Commissaries.

1st lieutenant Thomas P. Gwynn of the 1st infantry to be assistant commissary of subsistence, 22d September, 1828.

2d lieutenant John H. Winder of the 1st artillery, to be assistant commissary of subsistence, 25th September, 1828.

1st lieutenant James Monroe of the 4th artillery, to be assistant commissary of subsistence, 26th September, 1828.

Washington, March 20, 1829.

Corps of Engineers.

Brevet 2d lieutenant Alexander H. Bowman, to be 2d lieutenant, 1st July, 1825.

Topographical Engineers.

Brevet captain William T. Poussin, assistant topographical engineer, to be topographical engineer, 15th January, 1829, with the brevet rank of major, vice Roberdeau, deceased.

1st lieutenant James D. Graham, of the 3d artillery, appointed assistant topographical engineer, 15th January, 1829, with the brevet rank of captain, vice Poussin, promoted.

Third regiment of infantry.

2d lieutenant Egbert B. Birdsell, to be 1st lieutenant, 17th February, 1829, vice Hopson, deceased.

Brevet 2d lieutenant Jefferson Van Horne, to be 2d lieutenant, 1st July, 1827.

Fourth regiment of Infantry.

1st lieutenant George W. Allen, to be captain, 25th January, 1829, vice Yancey, deceased.

2d lieutenant George A. McCall, to be 1st lieutenant, 25th June, 1829, vice Allen promoted.

Brevet 2d lieutenant Washington Hood, to be 2d lieutenant, 1st July, 1827.

Brevet promotions of officers on war brevets, conferred for gallant actions and meritorious conduct: and of officers who have faithfully served ten years in one grade.

Major-General by brevet.

Brigadier-general Thomas J. Jesup, quartermaster-general, 8th May, 1818, to be major-general by brevet, to take rank from 8th May, 1828.

Brigadier-Generals by brevet.

Colonel John R. Fenwick, colonel of the 4th artillery, to be brigadier-general by brevet, to take rank from the 18th of March, 1823.

Colonel Henry Leavenworth, colonel of the 3d infantry, to be brigadier-general by brevet, to take rank from the 25th July, 1824.

Colonel John McNeal, colonel of the first infantry, to be brigadier-general by brevet, to take rank from the 25th of July, 1824.

Brevet colonel George M. Brooke, lieutenant-colonel of the 4th infantry, to be brigadier-general by brevet, to take rank from the 17th of September, 1824.

Colonel Charles Gratiot, of the army of the United States, chief engineer, to be brigadier-general in said army, by brevet, to rank from the 24th of May, 1828.

Colonel Walker K. Armistead, colonel of the 3d artillery, 12th November, 1818, to be brigadier-general by brevet, to take rank from the 12th November, 1828.

Colonels by brevet.

Lieutenant-colonel Abraham Eustis, lieutenant-colonel of the 4th artillery, to be colonel by brevet, to take rank from the 10th of September, 1824.

Lieutenant-colonel Joseph G. Totten, lieutenant-colonel of the corps of engineers, to be colonel by brevet, to take rank from the 11th of September, 1824.

Brevet lieutenant-colonel Roger Jones, major of the 2d artillery, to be colonel by brevet, to take rank from the 17th of September, 1824.

Brevet lieutenant-colonel John B. Walbach, major of the 1st artillery, and lieu-

tenant-colonel by brevet, 1st May, 1815, to be colonel by brevet; to take rank from the 25th of April, 1828.

Lieutenant-colonel William Lawrence, lieutenant-colonel of the 2d infantry, 8th of May, 1818, to be colonel by brevet, to take rank from the 8th of May, 1828.

Lieutenant-colonel Willoughby Morgan, lieutenant-colonel of the 5th infantry, 10th of November, 1818, to be colonel by brevet, to take rank from the 10th November, 1828.

Lieutenant-Colonels by brevet.

Major Daniel Baker, major of the 3d infantry, to be lieutenant-colonel by brevet, to take rank from the 9th of August, 1822.

Major Ichabod B. Gaine, major of the 4th artillery, to be lieutenant-colonel by brevet, to take rank from the 13th of November, 1823.

Major Sullivan Burbank, major of the 7th infantry, to be lieutenant-colonel by brevet, to take rank from the 25th July, 1824.

Brevet major W. J. Worth, captain of the 1st artillery, to be lieutenant-colonel by brevet, to take rank from the 25th of July, 1824.

Major W. S. Foster, major of the 4th infantry, to be lieutenant-colonel by brevet, to take rank from the 15th of August, 1824.

Brevet Major Alexander C. W. Fanning, captain of the 2d artillery, to be lieutenant colonel by brevet, to take rank from the 15th of August, 1824.

Brevet major Alexander S. Brooks, captain of the 1st artillery, to be lieutenant colonel by brevet, to take rank from the 11th of September, 1822.

Majors by Brevet.

Captain John Mountfort, captain of the 2d artillery, to be major by brevet, to take rank from the 11th September, 1824.

Captain Reynold M. Kirby, captain of the 1st artillery, to be major by brevet, to take rank from the 17th of September, 1824.

Captain Samuel Spotts, captain of the 4th artillery, to be major by brevet, to take rank from the 8th of January, 1825.

Brevet captain William Tell Poussin, assistant topographical engineer, to be major by brevet, to take rank from the 6th of March, 1827.

Captain John S. McIntosh, captain of the 4th infantry, 8th March, 1817, to be major by brevet, to take rank from the 8th of March, 1827.

Captain Elijah Boardman, captain of the 2d infantry, 31st March, 1817, to be major by brevet, to take rank from the 31st March, 1827.

Captain John Garland, captain of the 3d infantry, 7th May, 1817, to be major by brevet, to take rank from the 7th of May, 1827.

Captain Rufus L. Baker, captain of the 1st artillery, 21st May, 1817, to be major by brevet, to take rank from the 21st of May, 1827.

Captain James M. Glassel, captain of the 4th infantry, 10th of February, 1818, to be major by brevet, to take rank from the 10th of February, 1828.

Captain Francis L. Dade, captain of the 4th infantry, 24th of February, 1818, to be major by brevet, to take rank from the 24th of February, 1828.

Brevet captain John Le Conte, assistant topographical engineer, to be major by brevet, to take rank from the 18th of April, 1828.

Captain John Erving, captain of the 4th artillery, 25th of April, 1818, to be major by brevet, to take rank from the 25th of April, 1828.

Captain Philip Wager, captain of the 4th infantry, 8th of May, 1818, to be major by brevet, to take rank from the 8th of May, 1828.

Brevet captain Hartman Bache, assistant topographical engineer, to be major by brevet, to take rank from the 24th of July, 1828.

Captain Bennet Riley, captain of the 6th infantry, 6th of August, 1818, to be major by brevet, to take rank from the 6th of August, 1828.

Captain Thomas J. Beall, captain of the 2d infantry, 26th of September, 1818, to be major by brevet, to take rank from the 26th September, 1828.

Captain Russell B. Hyde, captain of the 7th infantry, 31st of October, 1818, to be major by brevet, to take rank from the 31st October, 1828.

Captain Theodore W. Maurice, captain in the corps of engineers, 12th of November, 1818, to be major by brevet, to take rank from the 12th of November, 1828.

Captain Richard A. Zantzinger, captain of the 2d artillery, 1818, to be major by brevet, to take rank from the 12th of December, 1828.

Captain Nathaniel Young, captain of the 7th infantry, 1st January, 1819, to be major by brevet, to take rank from the 1st January, 1829.

Captains by brevet.

1st lieutenant Joshua B. Brant, 1st lieutenant of the 2d infantry, to be captain by brevet, to take rank from the 17th of September, 1824.

1st lieutenant Gustavus S. Drane, 1st lieutenant of the 2d artillery, 15th November, 1817, to be captain by brevet, to take rank from the 15th November, 1827.

1st lieutenant Timothy Green, 1st lieutenant of the 1st artillery, 20th April, 1818, to be captain by brevet, to take rank from the 20th April, 1828.

1st lieutenant George W. Gardiner, 1st lieutenant of the 2d artillery, 20th April, 1818, to be captain by brevet, to take rank from the 20th April, 1828.

1st lieutenant Charles S. Merchant, 1st lieutenant of the 2d artillery, 20th April, 1818, to be captain by brevet, to take rank 20th April, 1828.

1st lieutenant Charles Mellon, 1st lieutenant of the 2d artillery, 20th April, 1818, to be captain by brevet, from the 20th April, 1828.

1st lieutenant Allen Lowd, 1st lieutenant of the 2d artillery, 20th April, 1818, to be captain by brevet, to take rank from the 20th April, 1828.

1st lieutenant Henry W. Fitzhugh, 1st lieutenant of the 2d artillery, 20th April, 1818, to be captain by brevet, to take rank from the 20th April, 1828.

1st lieutenant James S. Abeel, 1st lieutenant of the 2d artillery, 20th April, 1818, to be captain by brevet, to take rank from the 20th April, 1828.

1st lieutenant Robert L. Armstrong, 1st lieutenant of the 2d artillery, 2d July, 1818, to be captain by brevet, to take rank from the 2d July, 1828.

1st lieutenant Patrick H. Galt, 1st lieutenant of the 4th artillery, 26th of September, 1818, to be captain by brevet, to take rank from the 26th of September, 1828.

1st lieutenant Henry W. Griswold, 1st lieutenant of the 1st artillery, 12th of December, 1818, to be captain by brevet, to take rank from the 12th of December, 1828.

1st lieutenant James Monroe, 1st lieutenant of the 4th artillery, 31st of December, 1818, to be captain by brevet, to take rank from the 31st of December, 1828.

1st lieutenant George W. Allen, 1st lieutenant of the 4th infantry, 1st of January, 1819, to be captain by brevet, to take rank from the 1st of January, 1829.

1st lieutenant John Page, 1st lieutenant

ant of the 4th infantry, 1st of January, 1819, to be captain by brevet, to take rank from the 1st of January, 1829.

By command of the Secretary of War,
R. JONES, *Adjutant General*.

APPOINTMENTS.

Assistant Commissaries.

1st lieutenant Charles S. Merchant, of the 2d artillery, to be assistant commissary of subsistence, 11th March, 1829.

2d lieutenant L. F. Carter, of the 7th infantry, to be assistant commissary of subsistence, 12th February, 1829.

TRANSFERS.

Willoughby Morgan, lieutenant colonel of the 5th infantry, transferred to the 3d infantry.

Enos Cutler, lieutenant colonel of the 3d infantry, transferred to the 5th infantry.

Waddy V. Cobbs, captain of the 1st infantry, transferred to the 2d infantry.

Thomas J. Beall, captain of the 2d infantry, transferred to the 1st infantry.

Joseph P. Taylor, captain of the 3d artillery, transferred to the 2d artillery.

Elijah Lyon, captain of the 2d artillery, transferred to the 3d artillery.

Since the date of his brevet nomination in May, lieutenant colonel Lawrence has received the promotion of full colonel of the 5th regiment of infantry; and first lieutenant Allen, of the 4th infantry, was promoted to the rank of captain in his regiment, since the date of his nomination for brevet promotion.

NAVY PROMOTIONS.

CAPTAINS.

Wolcott Chauncey, Edmund P. Kennedy, Alexander J. Dallas, John B. Nicholson, April 24th, 1828.

Beekman V. Hoffman, Jesse Wilkinson, Thomas Ap. Catesby Jones, March 11th, 1829.

MASTER COMMANDANTS.

Lawrence Rousseau, George W. Storer, Robert M. Rose, Beverly Kennon, Edward R. Shubrick, Francis H. Gregory, John H. Clack, Philip F. Voorhees, Benjamin Cooper, William L. Gordon, April 24th, 1828.

Samuel W. Adams, Silas Duncan, James Ramage, David Geisinger, March 11th, 1829.

LIEUTENANTS.

To be lieutenants in the navy, from 28th April, 1826, to take rank in the order as here placed, next after lieutenant Thomas J. Leibe. Passed midshipmen, William G. Woolsey, William H. Kennon, Arthur Lewis.

The following passed midshipmen to be lieutenants in the navy, from the 3d of March, 1827; to take rank as follows: Henry Pinckney, to take rank next after G. J. Van Brunt; 1, William M. Glendy, 2, John H. Little; 3, George P. Upshur; 4, William Green, to take rank next after Zachariah F. Johnson; Timothy G. Benham, to take rank next after George Izard, jun.; Albert E. Downes, to take

rank next after Albert G. Slaughter; Oscar Bullus, to take rank next after Albert E. Downes; John L. Thomas, to take rank next after Oscar Bullus; Charles H. Jackson, to take rank next after John Marshall; Andrew A. Harwood, to take rank next after Charles H. Jackson; Joseph R. Blake, to take rank next after Thomas McKean Buchanan; John Hamilton, to take rank next after Joseph R. Blake; John M. Rinker, to take rank next after Theodorus Bailly, jun.; Hugh Y. Purviance, to take rank next after Alexander M. Mull, agreeably to their respective nominations.

Passed midshipman, George Adams, to take rank next after Hugh V. Purviance.

To be lieutenants in the navy of the United States, to take rank in the order in which their names are here placed. Passed midshipmen: 1, Cadwallader Ringgold; 2, Samuel M. Breckenridge; 3, John Graham; 4, William F. Lynch; 5, Henry W. Morris; 6, Isaac S. Steritt; 7, Francis B. Ellison; 8, Edward B. Boutwell; 9, James T. Homans; 10, John E. Bispham; 11, Sidney Smith Lee; 12, William C. Whittle; 13, Richard H. Morris; 14, Robert D. Thorburn; 15, Lloyd B. Newell; 16, John Cassan; 17, Paul H. Hayne; 18, William S. Ogden; 19, Edward O. Blanchard; 20, Henry T. Auchmuty; 21, John G. Rodgers; 22, Frederick A. Neville; 23, Edmund M. Russell; 24, R. R.

M'Mullin; 25, Hampton Westcott; 26, Joseph Sterlings; 27, John Manning; 28, Elias C. Taylor; agreeably to their nominations respectively.

Passed midshipmen, John H. Marshal, Thompson D. Shaw, Samuel Lockwood, Hillery H. Rhodes, Cary H. Hansford, John W. Mooers, Charles C. Turner, to rank after Hampton Westcott.

SURGEONS.

James Page, is to be surgeon in the navy, from 23d April, 1827.

To be surgeons in the navy, from 3d January, 1828. Surgeons' mates; 1, Waters Smith; 2, Benjamin F. Bache; 3, Augustus A. Adeo; 4, Thomas Dillard.

To be surgeons' mates in the navy, from 3d January, 1828. 1, Samuel Barrington; 2, William Milnor; 3, Thomas L. Smith; 4, William Whelan; 5, Andrew F. Kennedy; 6, Jacob Jameson; 7, Lewis B. Hunter; 8, George Blacknell.

To be chaplains in the navy. John P. Fenner; Greenbury W. Ridgely; Hervey H. Hayes; Charles S. Stewart.

Passed assistant surgeons. Stephen Ralphe, Robert P. Macomber, to be surgeons from the 4th of December, 1828.

E. H. Freeland, Richard Barnum, Frederick Wessels, H. N. Glentworth, to be assistant Surgeons.

Appointments in the marine corps, by the President, by and with the advice and consent of the senate.

Brevet major William Anderson, of the

marine corps, to be lieutenant colonel by brevet.

Theodore Bainbridge, of New-York, to be second lieutenant in the marine corps.

Captain Joseph L. Kuhn, to be paymaster in the marine corps.

Brevet captain Park G. Howle, to be adjutant and inspector; and

First lieutenant Elijah J. Weed, to be quartermaster of the marine corps.

First lieutenants in the marine corps, to be captains of marines by brevet, from 18th April, 1827. Thomas A. Linton; Richard T. Auchmuty; James Edelin; Parke G. Howel.

Charles T. Sperring, 2d lieutenant in the marine corps, to be first lieutenant of marines.

Alexander Clinton McLean, of New-York, to be a second lieutenant in the United States marine corps.

James Brooks, of Virginia, Granvill C. Cooper, of Massachusetts, Francis B. Stockton of New-York, to be pursers.

Navy Agents.—George Harrison, Philadelphia; James Riddle, Newcastle, Delaware; Isaac Phillips, Baltimore, Maryland; Miles King, Norfolk, Virginia; John P. Henry, Savannah, Georgia; John T. Robertson, Charleston, South-Carolina; Matthew Harvey, Portsmouth, New-Hampshire; James K. Paulding, of New-York, New-York; Nathaniel Amory, of Massachusetts, Pensacola; Andrew Armstrong, of Pennsylvania, Lima.

TWENTIETH CONGRESS.

SENATE.

President of the Senate, John C. Calhoun, of South Carolina.

From Maine—John Chandler, 1829
Albion K. Parris, 1833
New-Hampshire—Samuel Bell, 1829
Levi Woodbury, 1831
Massachusetts—Nathaniel Silsbee, 1829
Daniel Webster, 1833
Connecticut—Samuel A. Foot, 1833
Calvin Willey, 1831
Rhode Island—Nehemiah R. Knight, 1829
Asher Robbins, 1833
Vermont—Dudley Chase, 1831
Horatio Seymour, 1833
New-York—Martin Van Buren, 1833
Nathan Sanford, 1831

New-Jersey—Mahlon Dickerson, 1829
Ephraim Bateman, 1833
Pennsylvania—William Marks, 1833
Isaac D. Barnard, 1833
Delaware—Louis M'Lane, 1833
Henry M. Ridgeley, 1829
Maryland—Ezekiel F. Chambers, 1831
Samuel Smith, 1833
Virginia—Littleton W. Tazewell, 1829
John Tyler, 1832
North-Carolina—John Branch, 1829
Nathaniel Macon, 1831
South-Carolina—William Smith, 1831
Robert Y. Hayne, 1829

<i>Georgia</i> —John McPherson Berrien, 1831	<i>Indiana</i> —William Hendricks, 1831
Thomas W. Cobb, 1829	James Noble, 1833
<i>Kentucky</i> —Richard M. Johnson, 1829	<i>Mississippi</i> —Powhatan Ellis, 1833
John Rowan, 1831	Thomas H. Williams, 1829
<i>Tennessee</i> —John H. Eaton, 1833	<i>Illinois</i> —Elias K. Kane, 1831
Hugh L. White, 1829	Jesse B. Thomas, 1829
<i>Ohio</i> —William H. Harrison, 1831	<i>Alabama</i> —John McKinley, 1831
Benjamin Ruggles, 1833	William R. King, 1829
<i>Louisiana</i> —Dominique Bouligny, 1829	<i>Missouri</i> —David Barton, 1831
Josiah S. Johnston, 1831	Thomas H. Benton, 1833

HOUSE OF REPRESENTATIVES.

Speaker, Andrew Stevenson, Virginia.

<i>Maine.</i>	George E. Wales.	<i>Pennsylvania.</i>
John Anderson,	<i>New-York.</i>	William Adams,
Samuel Butman,	Daniel D. Barnard,	Samuel Anderson,
Rufus M'Intire,	George O. Belden,	Stephen Barlow,
Jeremiah O'Bryen,	Rudolph Bunner,	James Buchanan,
James W. Ripley,	C. C. Cambreleng,	Richard Coulter,
Peleg Sprague,	Samuel Chase,	Chauncey Forward,
Joseph F. Wingate.	John C. Clark,	Joseph Fry, jr.
<i>New-Hampshire.</i>	John D. Dickinson,	Innes Green,
Ichabod Bartlett,	Jonas Earll, jr.	Samuel D. Ingham,
David Barker, jr.	Daniel G. Garnsey,	George Kremer,
Titus Brown,	Nathaniel Garrow,	Adam King,
Joseph Healy,	John I. De Graff,	Joseph Lawrence,
Jonathan Harvey,	John Hallock, jr.	Daniel H. Miller,
Thomas Whipple, jr.	Selah R. Hobbie,	Charles Miner,
<i>Massachusetts.</i>	Michael Hoffman,	John Mitchell,
Samuel C. Allen,	Jeromus Johnson,	Samuel McKean,
John Bailey,	Richard Keese,	Robert Orr, jr.
Isaac C. Bates,	Henry Markell,	William Ramsay,
Benj. W. Crowninshield,	H. C. Martindale,	John Sergeant,
John Davis,	Dudley Marvin,	James S. Stevenson,
Henry W. Dwight,	John Magee,	John B. Sterigere,
Edward Everett,	John Maynard,	Andrew Stewart,
Benjamin Gorham,	Thomas J. Oakley,	Joel B. Sutherland,
James L. Hodges,	S. Van Rensselaer,	Espy Van Horn,
John Locke,	Henry R. Storrs,	James Wilson,
John Reed,	James Strong,	George Wolf.
Joseph Richardson,	John G. Stower,	<i>Delaware.</i>
John Varnum.	Phineas L. Tracey,	Kensley Johns, jr.
<i>Rhode Island.</i>	John W. Taylor,	<i>Maryland.</i>
Tristram Burgess,	G. C. Verplanck,	John Barney,
Dutec J. Pearce.	Aaron Ward,	Clement Dorsey,
<i>Connecticut.</i>	John J. Wood,	Levin Gale,
John Baldwin,	Silas Wood,	John Leeds Kerr,
Noyes Barber,	David Woodcock,	Peter Little,
Ralph J. Ingersoll,	Silas Wright, jr.	Michael C. Sprigg,
Orange Merwin,	<i>New-Jersey.</i>	G. C. Washington,
Elisha Phelps,	Lewis Condict,	John C. Weems,
David Plant.	George Holcombe,	Ephraim K. Wilson.
<i>Vermont.</i>	Isaac Pierson,	<i>Virginia.</i>
Daniel A. A. Buck,	Samuel Swan,	Mark Alexander,
Jonathan Hunt,	Hedge Thompson,	Robert Allen,
Rollin C. Mallary,	Ebenezer Tucker.	William S. Archer,
Benjamin Swift,		William Armstrong, jr.

John S. Barbour,
Philip P. Barbour,
Burwell Bassett,
N. H. Claiborne,
Thomas Davenport,
John Floyd,
Isaac Leffler,
Lewis Maxwell,
Charles F. Mercer,
William M'Coy,
Thomas Newton,
John Randolph,
William C. Rives,
John Roane,
Alexander Smyth,
A. Stevenson, Speaker,
John Talliaferro,
James Trezvant.

North Carolina.

Willis Alston,
Daniel L. Barringer,
John H. Bryan,
Samuel P. Carson,
Henry W. Conner,
John Culpeper,
Thomas H. Hall,
Gabriel Holmes,
John Long,
Lemuel Sawyer,
A. H. Shepperd,
Daniel Turner,
Lewis Williams.

South-Carolina.

John Carter,
Warren R. Davis,
William Drayton,
James Hamilton, jr.
George M'Duffie,

William D. Martin,
Thomas R. Mitchell,
William T. Nuckolls,
Starling Tucker.

Georgia.

John Floyd,
Tomlinson Fort,
Charles E. Haynes,
George R. Gilmer,
Wilson Lumpkin,
Wiley Thompson,
Richard H. Wilde.

Kentucky.

Richard A. Buckner,
Thomas Chilton,
James Clark,
Henry Daniel,
Joseph Lecompte,
Robert P. Letcher,
Chittenden Lyon,
Thomas Metcalfe,
Robert M'Hatton,
Thomas P. Moore,
Charles A. Wickliffe,
Joel Yancey,

Tennessee.

John Bell,
John Blair,
David Crockett,
Robert Desha,
Jacob C. Isaacks,
Pryor Lea,
John H. Marable,
James C. Mitchell,
James K. Polk.

Ohio.

Mordecai Bartley,

Philemon Beecher,
William Creighton, jr.
John Davenport,
James Findlay,
William M'Lean,
William Russell,
John Sloane,
William Stanbery,
Joseph Vance,
Samuel F. Vinton,
Elisha Whittlesey,
John Woods,
John C. Wright.

Louisiana.

William L. Brent,
Henry H. Gurley,
Edward Livingston.

Indiana.

Thomas H. Blake,
Jonathan Jennings,
Oliver H. Smith.

Mississippi.

William Haile.

Illinois.

Joseph Duncan.

Alabama.

Gabriel Moore,
John M'Kee,
George W. Owen.

Missouri.

Edward Bates.

Arkansas.

Vacant.

Michigan.

Austin E. Wing.

Florida.

Joseph M. White.

OFFICERS OF CONGRESS.

OFFICERS OF THE SENATE.

SECRETARY.

Walter Lowrie, Penn. - \$3000

SERGEANT-AT-ARMS AND DOOR KEEPER.

Mountjoy Bailey, Va. - \$1500

CHAPLAIN.

Rev. Mr. Ryland, - 500

LIBRARIAN—George Watterston, - \$1500

OFFICERS OF THE HOUSE.

CLERK OF THE HOUSE.

M. St. Clair Clark, Penn. - \$3000

S. Burch, Chief Clk. Va. - 1800

SERGEANT-AT-ARMS.

J. O. Dunn, Dist. Col. - 1500

CHAPLAIN.

Rev. Mr. Post, - 500

GOVERNORS OF STATES.

	1827.	1828.
Maine,	Enoch Lincoln,	Enoch Lincoln.
New-Hampshire,	Benjamin Pierce,	John Bell.
Massachusetts,	Levi Lincoln,	Levi Lincoln.
Vermont,	Ezra Butler,	Samuel C. Crafts.
Rhode-Island,	James Fenner,	James Fenner.
Connecticut,	Gideon Tomlinson,	Gideon Tomlinson.
New-York,	De Witt Clinton,	Nathaniel Pitcher, acting Gov.
New-Jersey,	Isaac H. Williamson,	Isaac H. Williamson.
Pennsylvania,	John Andrew Shulze,	John Andrew Shulze.
Delaware,	Charles Polk,	Charles Polk.
Maryland,	Joseph Kent,	Joseph Kent.
Virginia,	William B. Giles,	William B. Giles.
North Carolina,	Hutchins G. Burton,	James Iredell.
South Carolina,	John Taylor,	Stephen D. Miller.
Georgia,	John Forsyth,	John Forsyth.
Alabama,	John Murphy,	John Murphy.
Louisiana,	Henry Johnson,	Peter Derbigny.
Mississippi,	Gerard C. Brandon,	Gerard C. Brandon.
Tennessee,	William Carroll,	Samuel Houston.
Kentucky,	Joseph Desha,	Thomas Metcalf.
Ohio,	Allen Trimble,	Allen Trimble.
Indiana,	James B. Ray,	James B. Ray.
Illinois,	Ninian Edwards,	Ninian Edwards.
Missouri,		John Miller.
	TERRITORIES.	
Michigan,	Lewis Cass,	Lewis Cass.
Florida,	William P. Duval,	William P. Duval.
Arkansas,	George Izard,	George Izard.

REPORTS ON THE SINKING FUND FOR 1826 & '7.

The sums disbursed from the Treasury, during the year 1826, on account of the principal and interest of the public debt, amounted, as per last annual report, to \$11,045,466 30

And were accounted for in the following manner, viz:

There was applied for the payment of a sum short provided on account of the public debt, prior to the 1st of January, 1826, .. 110,616 97

There was repaid into the Treasury on account of moneys advanced for the payment of the six per cent. stock of 1813, (loan of 7½ millions,) 6,021 70

And there was applied during the year 1826, towards the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the Treasury Department, \$11,010,972 75

Viz:

In the redemption of the 6 per cent. stock of 1813, (residue of the loan of 7½ millions,) 5,062,402 50

In the redemption of the 6 per cent. stock of 1813, (part of the loan of 16 millions) 2,002,306 71

In the redemption of the residue of the 7 per cent. stock of 1815, 25 00

In the reimbursement of Treasury notes, 2,389 58

Ditto of Mississippi Stock, 450 00

REPORTS ON SINKING FUND.

[569

In the payment of certain parts of the domestic debt, (certificates of the old registered debt,).....	27 86	
	<u>7,067,601 65</u>	
The interest which accrued for the year 1826, amounted to	3,943,371 10	
	<u>11,010,972 75</u>	
Deduct short provided	<u>82,145 12</u>	
		<u>10,928,827 63</u>
		<u>\$11,045,466 30</u>

During the year 1827, the following disbursements were made by the Treasury, on account of the principal and interest of the public debt, viz :

On account of the interest of the debt,	\$3,482,509 21
For interest on Louisiana stock, being a balance due the late agents in London	3,562 30
On account of the redemption of the 6 per cent. stock of 1813, (2d and 3d payments of the loan of 16 millions,)	6,507,466 85
In the reimbursement of Mississippi stock,.....	1,642 48
Do. of Treasury notes,	6,384 03
In payment of certificates of the (old) registered debt,.....	21 12
Making together,.....	<u>\$10,001,585 99</u>

Which disbursements were made from the appropriation of ten millions of dollars for the year 1827, and from the unexpended balance of the appropriations at the commencement of that year, to be accounted for in the next annual report.

There is estimated to have been applied to the deficiency at the end of the year 1826,

In the redemption of the principal of the public debt..... 82,145 12

And on account of the interest of the debt, viz :

There was paid to the late agent in London
for paying interest on Louisiana stock, a balance due them of 3,562 30

The interest on the public
debt for the year 1827, is estimated at 3,518,313 37

Of this sum there was short
provided, 117,949 28

3,400,364 09
3,403,926 39
\$10,001,585 99

The payments from the Treasury, during the year 1827, on account of the principal and interest of the public debt, amounted, as per last annual report, to
\$10,001,585 99

And have been accounted for in the following manner, viz :

There was applied during the year 1827, towards the principal and
interest of the public debt, the sum of..... 10,035,366 34

Viz: In the redemption of the 6 per cent. stock of
1813, (16,000,000 loan,)..... 6,507,466 84
In the reimbursement of Mississippi stock, 1,642 48
Ditto of Treasury notes, 6,384 03
Ditto of registered debt, 21 12
6,515,514 47

In the payment of interest and charges,	\$3,519,851 87	
	10,035,366 34	
There was a repayment during that year, of	01	
And there was a loss on a bill of exchange remitted to the late agents for paying interest on Louisiana stock in London, of.....	353 03	
	10,035,719 38	
Amount short, provided on account of unclaimed divi- dends,	34,133 39	10,001,585 99

During the year 1828, the following disbursements were made on account of the principal and interest of the public debt, viz:

On account of the interest of the debt,	\$3,098,867 61
Towards the redemption of the 6 per cent. stock,	9,051,243 89
In payment of Mississippi certificates,	6,425 00
Ditto of Treasury notes,	3,850 00
Ditto of debts due to foreign officers,	3,118 59

Making together,..... \$12,163,505 09

Which disbursements were made from the appropriation of ten millions of dollars for the year 1828, and from the unexpended balance of the appropriations at the commencement of that year, to be accounted for in the next annual report.

In the redemption of the principal of the public debt,	\$9,064,637 48
The interest on the debt for the year 1828 is estimated at	3,102,070 71
Of this sum, there was short, provided on account of unclaimed dividends,	3,203 10
	3,098,867 61
	<u>\$12,163,505 09</u>

PUBLIC DEBT.

The public debt of the United States at the several periods indicated below, appears by the following statement.

In 1791	\$75,169,974	} There was some increase of debt in each of the six years, except 1794—in which there was a reduction of it.
1796	81,642,272	
1799	77,399,909	} The debt was increased in consequence of the military preparations against France, to 1801, when Mr. Jefferson's administration commenced.
1801	82,000,167	
1803	74,731,922	
1804	85,353,643	} Increased in 1804, by the purchase of Louisiana. Mr. J.'s administration ended 4th March, 1809.
1809	56,732,379	
1810	53,156,532	} The debt was at its lowest amount in 1812, in Mr. Madison's administration, and preceding the war.
1812	45,035,123	
1813	55,907,452	} War and war debts—highest amount in 1816.
1816	123,016,375	
1817	115,807,805	} Mr. Monroe's administration. Rapid reductions since 1816, the receipts from the customs and other sources being large.
1820	91,016,566	
1821	89,987,427	} Increase because of the purchase of Florida, and short receipts from the customs, &c. in 1820, '21, &c. Mr. Monroe's administration ends.
1822	93,546,676	
1825	83,788,432	
1826	81,054,059	} Mr. Adams' administration commenced 4th March, 1825, and ended 3d March, 1829.
1828	67,475,622	
1829	58,362,135	

PUBLIC DEBT.

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STATEMENT of the annual appropriation of ten millions of dollars, by the second section of the act to provide for the redemption of the Public Debt, passed on the 3d of March, 1817.

Application in 1817,.....	\$ 10,000,000 00	Appropriation for 1817	\$ 10,000,000
Do. in anticipation of the appropriation of 1818	2,830,108 52	1818	10,000,000
Application in 1818	7,169,891 48	1819	10,000,000
Do. in 1819	7,703,821 87	1820	10,000,000
Do. in 1820	8,628,514 28	1821	10,000,000
Do. in 1821	8,367,093 62	1822	10,000,000
Do. in 1822	7,849,159 67	1823	10,000,000
Do. in 1823	5,529,805 86	1824	10,000,000
Do. in 1824	16,568,393 76	1825	10,000,000
Do. in 1825	12,099,044 78	1826	10,000,000
Do. in 1826	11,039,444 60	1827	10,000,000
Do. in 1827	10,001,585 98	1828	10,000,000
Do. in 1828	12,163,505 08		
Balance unapplied, 1st January, 1829,.....	49,630 50		
Dollars	120,000,000 00	Dollars	120,000,000

STATMENT of the funded debt of the United States, as it will exist on the 1st of January, 1829, exhibiting also the dates of the acts under which the several stocks were constituted, and the periods at which they are or were redeemable.

STOCKS.	Date of acts constituting the several stocks.	Periods when redeemable.	AMOUNTS.			
			Dolls.	Cts.	Dolls.	Cts.
3 p. ct. stock, (Revolutionary debt)	4 August, '90	At the pleasure of government.			13,296,249	45
6 p. ct. stock,	24 March, '14	In 1827	6,789,722	92		
6 p. ct. stock,	3 March, '15	In 1828	9,490,099	10		
		Amount, at 6 per cent.			16,279,822	02
5 p. ct. stock, (subscription to bank U. S.)	10 April, '16	At the pleasure of government.	7,000,000	00		
5 p. ct. stock,	15 May, '20	In 1832	999,999	13		
Ditto	3 March, '21	In 1835	4,735,296	30		
Exchange 5 p. ct. stock,	20 April, '22	1-3 in 1830 do 1831 do 1832	} 56,704 77			
		Amount, at 5 per cent.			12,792,000	20
4½ p. ct. stock,	24 May, '24	In 1832	5,000,000	00		
Ditto	26 May, '24	do	5,000,000	03		
Exchanged 4½ p. ct. stock,	26 May, '24	½ in 1833 } do 1834 }	4,454,727 95			
Ditto	3 March, '25	½ in 1829 } do 1830 }	1,539,336 16			
		Amount, at 4½ per cent.			15,994,064	11

Total, Dollars, 58,362,135 78

REVENUE AND EXPENDITURE.

The actual receipts into the Treasury, from all its sources, during the year 1827, amounted to \$22,966,363 96

Viz: Customs,	\$19,712,283 29
Lands,	1,495,845 26
Dividends on stock in the bank of the U. S.	420,000 00
Arrears of internal duties, direct tax, and other incidental receipts	100,429 97
Repayments of advances made in the war department, for services and supplies, prior to July 1, 1815	32,845 44
Moneys received from the British government, under the convention of the 13th November, 1826	1,204,960 00

Making, with the balance in the Treasury on the 1st January, 1827, 6,358,636 18

An aggregate of 29,325,050 14
The actual expenditures of the U. States, on all accounts, during the year 1827, amounted to 22,656,764 04

Viz: Civil, diplomatic, and miscellaneous	2,314,829 85
Military establishment, including fortifications, ordnance, Indian department, revolutionary and military pensions, arming militia, and arrearages prior to 1st Jan. 1817	5,675,741 62
Naval service, including the gradual improvement of the navy	4,263,877 45
Public debt,	10,003,663 39
Payment of awards to owners of slaves and other property, under the convention with the British government of the 13th November, 1826	398,646 73

Leaving a balance in the Treasury on the 1st January, 1828, of ... \$6,668,286 10

STATEMENT of Moneys received into the Treasury from all sources, other than Customs and Public Lands, during the year 1828.

From dividends on stock in the Bank of the United States .. \$ 455,000 00	the act of 1st of May, 1820	13,660 42
Arrears of direct tax .. 2,218 81	Moneys previously advanced on account of Military Establishment, viz:	
Arrears of Internal Revenue	Arsenal at Vergennes, Vermont	68 81
Fees on Letters Patent .. 10,860 00	Wall around the Arsenal on Schuylkill River	70 53
Cents coined at the Mint .. 19,061 24	Fortifications	100 00
Postage of Letters 20 15	Repairs of Fort Constitution, Portsmouth, N. Hampshire	1 50
Fines, Penalties, and Forfeitures	Repairs of Wharf, at Fort Wolcott, R. I. ..	37 83
1,339 41	Barracks at Michillimackinac	1,765 40
Surplus emoluments of Officers of the Customs	Purchase of House and Lot at Eastport, Me.	5 32
15,102 33	Road from Colerain to Tampa Bay	2,726 36
Pay of an American seaman discharged without his consent .. 12 94		
Persons unknown, stated to be on account of Customs		
70 00		
Balances of advances made in the War Department, repaid under the 3d section of		

Examining Piers at Port Penn, Marcus Hook, &c.	36 11	Certain Indian Treaties, per act of 20th May, 1826	3,248 26
Survey of Saugatuck River and Harbor, Conn.	28 03	Moneys previously advanced on account of the Naval Establishment, viz:	
Survey of Church's Cove, Little Compton, R. I.	4 51	Houses for ships in ordinary	115 13
Survey of Piscataqua River	9 54	Contingent expenses for 1825	507 06
Expenses of a Brigade of Militia	1,000 00	Survey of the Coast of North Carolina	40 00
Treaty with the Cherokees, per act of 20th April, 1818 ...	2,265 07	Rewarding the officers and crews of the Wasp and Constitution.....	6,418 50
Treaty with the Cherokees, per act of 2d March, 1827....	1,386 12		
		Dollars, 565,613 22	

STATEMENT of the Expenditures of the United States, for the year 1828.

CIVIL, MISCELLANEOUS, AND DIPLOMATIC.

Legislature	\$ 617,560 53	Marine Hospital Establishment	69,259 61
Executive Departments...	506,873 33	Appropriation for the Navy Hospital Fund.....	46,217 14
Officers of the Mint.....	9,600	Public Buildings in Washington.....	114,354 54
Salaries of Surveyors and their clerks.....	18,654 08	Bringing votes for President and Vice President....	3,622
Commissioner of the Public Buildings	2,000	Stock in the Louisville and Portland Canal Co.....	30,000
Governments in the Territories of the U. States..	44,626 97	Stock in the Chesapeake and Ohio Canal Co.....	75,000
Judiciary	256,175 67	Building Custom Houses and Wares Houses....	6,400
	1,455,490 58	Payment of balances to Collectors of New Internal Revenue.....	159 23
Annuities and Grants.....	1,878 03	Payment of Claims for property lost, &c.	55 50
Mint Establishment.....	29,282 35	Indemnifying the owner of the British ship Union ..	23,474
Unclaimed Merchandise ..	303 76	Revolutionary Claims	409,084 51
Light House Establishment	261,308 26	Miscellaneous expenses...	64,741 03
Surveys of Public Lands..	45,852 97		1,219,368 40
Registers and receivers of Land Offices	1,875	Diplomatic Department...	117,634 74
Preservation of the Public Archives in Florida Territory	875	Expense of a Mission to the Congress of Panama	1,980 50
Land Claims in Florida Territory	2,840 65	Contingent expenses of Foreign intercourse.....	18,791 97
Land Claims in Michigan Territory	608 33	Relief and protection of American Seamen.....	14,635 69
Land Claims in Alabama..	2,819 67	Prize Causes	8,000
Roads within the State of Ohio	6,673 91	Treaties with Mediterranean Powers	34,730
Roads within the State of Indiana	8,887 75	Treaty of Ghent, (6th and 7th Articles)	2,700 34
Roads, Canals, &c. within the State of Alabama...	5,325 64	Treaty of Ghent, 1st Article	11,691 02
Roads and Canals within the State of Missouri. ...	8,142 52		
Repayment for Lands erroneously sold by the United States.....	327		

Payment of claims under the 9th Article of the Treaty with Spain.....	960
Awards under the 1st Article of the Treaty of Ghent.....	790,069 40
	<u>1,001,193 66</u>

MILITARY ESTABLISHMENT.

Pay of the Army and Subsistence of Officers.....	\$1,028,121 24
Subsistence	245,217 96
Quartermaster's Department	429,852 24
Forage	40,865 18
Clothing	192,120 76
Bounties and Premiums...	18,122 27
Expenses of Recruiting...	13,963 26
Medicine or Hospital Department	23,906 62
Purchase of Woollens for 1829	10,000 00
Contingent expenses	10,676 92
Military Academy, West Point.....	39,151 75
Armories	360,414 40
Arsenals	60,592 08
Arsenal at Augusta, Maine	40,400 00
Arsenal at do. Georgia....	31,320 36
Ordnance.....	82,627 35
Armament of new Fortifications	147,143 84
Arming & equipping Militia	215,040 85
Repairs and contingencies of Fortifications	14,982 24
Fort Monroe	110,154 55
Fort Calhoun	80,835 41
Fort Hamilton	62,098 59
Fort Adams.....	80,000 00
Fort Jackson.....	97,300 00
Fort at Mobile Point	80,000 00
Fort Macon	59,090 58
Fort at Oak Island	52,079 30
Fortifications at Charleston	
South Carolina	1,000
Do. Savannah, Georgia...	1,900
Do. Pensacola, Florida....	14,000
Completion of Barracks at Savannah, Georgia	3,038 11
Jefferson Barracks, near St. Louis, Missouri.....	3,408 46
Building Pier at Steel's Ledge, Belfast, Maine..	33 76
Building Pier mouth of Saco Harbour, Maine...	2,550
Building Pier mouth of Dunkirk Harbour, N. Y.	6,000 00
Building Pier mouth of Oswego Bay, N. Y.....	14,715 23
Building Pier mouth of Buffalo Creek, N. Y.	25,000 00

Building Pier at Newcastle, Delaware.....	5,000 00
Building Pier mouth of La Plaisance Bay, M. T....	2,977 81
Building Pier at Allen's Rocks, Warren River..	30 00
Repairing Piers at Port Penn and Marcus Hook, Pennsylvania	4,413 00
Preservation of Islands in Boston Harbor	7,500 00
Deepening the Harbor of Sackett's Harbor	500 00
Deepening the Harbor of Presque Isle	6,223 18
Deepening the Harbor of Mobile	1,523 00
Deepening the channel through the Pass au Heron	7,100 00
Deepening the channel between St. John's River, Florida, and St. Mary's Harbor, Georgia.....	500 00
Improving the Ohio and Mississippi Rivers.....	46,930 31
Improving the navigation of the Ohio River.....	6,000 00
Improving the Harbor of Hyannis, &c.	7,973 00
Improving the Harbor of Cleveland, Ohio	5,500 00
Improving the navigation of Red River.....	1,500 00
Removing obstructions at the mouth of Grand River, Ohio	6,000 00
Removing obstructions at the mouth of Huron River, Ohio	4,413 35
Removing obstructions at the mouth of Ashtabula Creek, Ohio.....	2,000 00
Removing obstructions at mouth of Cunningham Creek, Ohio.....	1,517 76
Removing obstructions in the Berwick Branch of Piscataqua River	2,900 00
Removing obstructions at the mouth of Black River, Ohio	2,000 00
Removing obstructions in the Apalachicola River, Florida.....	1,500 00
Survey of the Colbert Shoals in Tennessee River....	200 00
Do of the Harbor of Nantucket, Mass.	300 00
Do of the Genesee River and Harbor, N. Y.	300 00

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Do of the mouth of Sandy Creek, N. Y.	300 00	gressions on the frontiers of Georgia and Florida .	4,980 62
Do of the Southern Shore of Lake Ontario	400 00	Choctaw schools.....	13,968 42
Do of the River and Harbor of St. Marks, Florida...	302 75	Removal of the Creek Indians west of the Mississippi	31,134 25
Surveys and estimates for Roads and Canals.....	29,998 97	Treaty with the Creek Indians, per act 22d May, 1826	56,592 51
Completion of the Cumberland Road to Zanesville.	188,108 36	Choctaw Treaty, per acts 3d March, 1821, and 2d March, 1827	3,929 57
Repairing the Cumberland Road.....	5000 00	Extinguishing the title of certain Cherokee Indians to Land in North Carolina	22,000 00
Road from Detroit to Saginaw.....	230 14	Pay, &c. of Illinois and Michigan Militia for the suppression of Indian aggressions	39,976 28
Do. from Detroit to Chicago.....	4,000 00	Expenses of Exploring Delegation.....	14,600 90
Connecting the Detroit and River Raisin with the Maumee and Sandusky Roads.....	5,900 00	Houses for Sub Agents, Interpreters, &c. at Peoria and Iowa Sub Agencies	14,324 00
Road from Memphis to Little Rock.....	9,470 18	Carrying into effect certain Indian Treaties, per act 24th May, 1828	137,269 05
Do. Little Rock to Cantonment Gibson,	5,300 00	Extinguishment of Cherokee claims to lands in Georgia	500 00
Do. Fort Smith to Fort Towson,	9,249 05	Annuities to Indians	202,591 07
Do. Pensacola to St. Augustine	3,636 48		5,719,956 06
Opening and repairing the Old King's Road in Florida	5,550 00		
Road from Mattanawcook, to Mars' Hill, Maine,...	9,500 00		
Florida Canal,	308 62		
Payment of Georgia Militia claims.....	315 56		
Balances due to certain States on account of Militia	7,591 20		
Relief of Officers and others engaged in Seminole campaign.....	687 74		
Relief of a company of Rangers under Capt Bigger	244 50		
Ransom of American captives of the late war....	242 25		
Relief of sundry individuals Invalid and half pay pensions.....	33,495 95		
Pensions to Widows and Orphans.....	121,752 65		
Revolutionary pensions...	5,686 12		
Arrearages,	723,134 80		
Civilization of Indians....	9,937 33		
Pay of Indian Agents	10,808 22		
Pay of Indian Sub Agents.	31,457 69		
Presents to Indians.....	15,206 39		
Contingencies of Indian Department.....	15,059 55		
Suppression of Indian ag-	103,586 07		

Survey of the harbors of Savannah, Brunswick, &c.	1,154 87	Marine Corps ...	118,813 36
Agency on the Coast of Africa. prohibition of the Slave Trade.....	29,553 67	Clothing do	33,978 21
Captors of Algerine vessels	40 53	Military Stores do	3,340 67
Prize money due to Thomas Douty.....	19 96	Medicines do	3,106 88
Relief of sundry individuals	13,360 68	Barracks do	21,827 03
Erection of a Break water in Delaware Bay	6,000 00	Fuel do	10,247 68
Arrearages prior to 1827 ..	4,737 81	Contingent expenses do...	13,949 31
Arrearages prior to 1828 ..	9,838 69		3,925,867 13
Contingent expenses prior to 1824.....	863 68		
do for 1824	2,282 27		
do not enumerated for 1824 ..	125 00		
do do for 1825	108 88		
do do for 1826	2,822 98		
do not enumerated for 1826	169 70		
do for 1827	1,618 31		
do not enumerated for 1827	3,293 45		
do for 1828	239,675 12		
do not enumerated for 1828	782 50		
Pay and subsistence of the			

PUBLIC DEBT.

Interest on the funded debt	3,098,800 60
Redemption of the 6 per cent. stock of 1813 (loan of 16 millions)	2,744,423 90
Redemption of the 6 per cent. stock of 1814, (loan of ten millions)	2,256,039 21
Redemption of the 6 per cent. stock of 1814, (loan of 6 millions)	4,050,780 77
Principal and interest of Treasury Notes.....	3,850 00
Reimbursement of Mississippi stock	6,425 00
Debts due to Foreign Officers.....	3,118 59

Total Dollars, 25,485,313 90

INTERNAL IMPROVEMENTS.

Amount of moneys expended in each state and Territory of the United States, upon works of internal improvement, from the adoption of the federal constitution, to the 1st day of October, 1828.

Maine.....	\$ 11,724 22	chez.....	3,000 00
Massachusetts.....	104,042 46	Do. from Wheeling to the Mississippi river	10,000 00
Connecticut.....	2,069 97	Do. from Missouri to New Mexico.....	30,000 00
Rhode Island.....	195 19	Do. from Mississippi to the state of Ohio	5,639 35
New-York.....	68,148 45	Do. from Georgia to New Orleans.....	5,500 00
Pennsylvania.....	39,728 32	Roads in Tennessee, Louisiana, and Georgia	15,000 00
Delaware.....	307,104 01	Road from Nashville to New Orleans.....	7,920 00
Maryland.....	10,000 00	Surveys of roads and canals	166,681 49
Virginia.....	150,000 00	Surveys, maps, and charts of the Ohio and Mississippi rivers	4,186 24
North Carolina.....	1,000 00	Military roads.....	10,218 43
Kentucky.....	90,000 00	Survey of the water courses of the Mississippi river...	11,122 04
Tennessee.....	4,200 00	Road through the Creek nation.....	3,621 01
Ohio.....	390,159 03	Opening the old Natchez road	5,000 00
Indiana.....	108,623 88	Breakwater at the mouth of Delaware Bay.....	5,000 00
Mississippi.....	49,385 52		
Illinois.....	8,000 00		
Alabama.....	81,762 78		
Missouri.....	22,702 24		
Arkansas.....	44,690 74		
Michigan.....	48,607 95		
Florida.....	79,902 91		
Road from Cumberland to the Ohio.....	1,662,245 75		
Continuation of the Cumberland road	453,547 36		
Repairs of do.	55,510 00		
Road from Nashville to Nat-			

\$4,179,549 06

BANK OF THE UNITED STATES.

General Statement of the Affairs of the United States' Bank in the Years 1827, 1828, and 1829.

	1827.	1828.	1829.
DR.			
Funded Debt of the United States (various)	17,624,859 05	16,930,969 51	16,099,099 18
Bills discounted, viz.—			
On personal security	26,452,116 84	29,316,745 45	29,854,668 36
" " and Funded Debt	280,241 85	142,212 73	298,061 23
" " and Bank Stock, &c.	1,928,059 27	1,850,380 56	1,375,604 38
Foreign Bills of Exchange	356,470 96	340,185 93	323,084 13
Domestic " "	5,022,487 80	6,013,890 15	7,689,268 19
Real Estate	2,295,401 88	2,292,652 11	2,345,539 30
Banking Houses, Bonus, and Premium, &c.	1,634,260 93	1,540,806 48	1,557,356 59
Mortgages, &c.	83,982 72	79,967 38	217,056 98
Baring, Brothers, & Co. Hottinguer & Co. Hope & Co.			159,336 45
Due from S. Smith & Buchanan, G. Williams, and J. W. McCulloch	882,635 29		
Due from James A. Buchanan and J. W. McCulloch		612,760 44	612,760 44
Due from United States' Bank and Offices	14,037,002 90	14,654,349 61	16,139,750 53
" State Banks	2,578,030 35	1,883,286 03	2,654,950 11
" United States	5,267 32	5,267 32	5,267 32
Losses chargeable to the Contingent Fund	1,803,945 06	2,228,678 21	2,363,357 33
Agent for Loan Office and Pension Fund at Office, Portsmouth	2,014 20	8,532 36	9,257 96
Expenses, contingent	72,016 97	69,472 18	94,920 15
Deficiencies	233,286 74	211,377 98	210,907 03
Cash, viz.—			
Notes of Bank of United States and Branches	11,311,260 56	10,495,469 48	10,748,064 85
" other Banks	1,447,386 36	1,458,099 73	1,293,578 44
Specie	6,170,045 14	6,593,007 35	5,815,821 19
	Dollars 94,220,772 19	96,728,051 01	99,867,710 14
CR.			
Capital Stock	34,996,479 63	34,996,269 63	34,996,269 93
Bank and Branch Notes	92,259,781 71	23,541,230 10	24,139,175 18
Dividends unclaimed	60,581 45	456,005 76	63,662 20
Discount, Exchange, and Interest	418,625 64	284,823 03	511,121 10
Profit and Loss	1,237,468 76	1,518,298 61	1,512,099 71
Contingent Fund	4,297,837 35	4,380,645 53	4,494,977 77
Contingent Interest	4,840 19	5,000 00	
Contingent Exchange	3,922 22		
Foreign Exchange	133,292 69	93,055 84	64,627 46
Due to Bank of United States, and Offices	13,962,876 88	15,098,524 35	16,090,205 95
" State Banks	880,629 35	1,898,979 93	931,652 33
" Hottinguer and Co. Paris	1,467,806 26	594,492 65	
Redemption of Public Debt	926,783 44	1,452,472 09	3,085,601 13
Deposites, viz.—			
On account of Treasurer of United States	5,553,447 75	4,680,773 71	5,941,049 28
" Public Officers	1,874,991 22	1,168,500 63	1,670,316 43
" Individuals	6,142,107 65	6,563,479 06	6,364,952 06
	Dollars 94,220,772 19	96,728,051 01	99,867,710 14

Report at the triennial meeting of the Stockholders of the Bank of the United States.

September 2d, 1828.				Names. Shares.	
1. The stock of the bank was divided as follows:				New-York,	526 46,638
				New-Jersey,	64 3,084
				Pennsylvania,	954 70,763
Maine,	16	511	Delaware,	38	1,264
New-Hampshire,	81	587	Maryland,	491	34,262
Vermont,	3	57	District of Columbia,	69	3,448
Massachusetts,	261	16,646	Virginia,	247	10,872
Rhode-Island,	45	1,801	North-Carolina,	41	3,115
Connecticut,	73	1,251	South-Carolina,	631	35,496

	<i>Names.</i>	<i>Shares.</i>	
Georgia,	39	2,216	
Ohio,	17	538	
Kentucky,	26	607	
Tennessee,	5	269	
Indiana,	1	30	
Illinois,	2	310	
Louisiana,	23	154	
Alabama,	1	10	
Foreign,	214	40,412	
President, Directors & Co.		5,610	
United States of America,		70,000	
	3,818	350,000	

Its condition may be seen in second column of the previous table, page 569.

Distribution of the funds of the bank, and the manner in which they are invested:—

State of the Bank, August 1st, 1823.

The capital paid in, is	\$34,996,269 63
The circulation,	13,045,760 71
Deposits public,	7,301,746 43
private,	6,563,479 06
	13,865,255 49

Amount due to sundry offices and state banks in current account,	459,868 64
Amount due to Baring, Hottinguer, & Co., &c.	594,492 65
The unclaimed dividends,	456,005 76
Contingent fund,	4,380,645 53
Discount, exchange, and interest, received since July,	378,378 87
Profit and loss,	1,518,298 61
	\$69,694,945 89

Funded debt held by the bank,	\$16,930,969 51
The discount are	37,323,228 89
Buchanan's & M'Culloch's debt,	612,760 44
Debts chargeable as losses to the contingent fund,	2,228,678 21
	40,164,667 54
Mortgages,	79,907 38
Foreign bills,	340,185 93
Real estate,	2,292,652 11
Banking houses,	1,079,926 48
Bonus, premium on loan, expenses, &c.,	755,529 86
Notes of state banks, on hand,	1,458,099 73
Specie,	6,593,007 85
	\$69,694,945 89

It further appears that the total amount of the suspended debt is \$7,109,091 47

The estimate of loss to which the bank will probably be exposed, on the whole mass of its debts and real estate, is \$3,192,064 43

To meet this, the bank has the contingent fund of	4,380,645 53
From which are to be deducted the losses already chargeable to it	2,228,678 21
	2,151,967 32

Besides these are other certain resources, amounting to 809,972 88
Making an aggregate of 2,961,940 20

And leaving a deficiency of 230,124 23
This deficiency will be fully provided for by

1st. The progressive increase in the value of the real estate at Cincinnati, where there is every reason to believe that the whole estimated loss, now amounting to more than \$420,000, and included in the above sum of \$3,192,064 43 cents, will be fully repaid out of the property now belonging to the bank.

2d. By the arrears of interest at the four western offices, which for some years past, furnished an average annual income of \$111,000.

3d. By what may yet be obtained out of the sum of \$1,571,000, interest on the bad and doubtful debts, and on the large mass of bad debts, which, though far greater caution considered unavailable, are in a train of final settlement, and are still yielding considerable sums.

The surplus fund of reserved profits, accordingly stands at \$1,518,298 61.

From these statements, it will be perceived, that within the last few years, there has been a very large addition to the resources, the operations and the profits of the bank; and which, in the opinion of this committee, is ascribable principally to two measures of the board of directors.

1st. The first—the conversion of a large porportion of the stock loans of the bank into investments of a more active character. The loans had been for the most part made to individuals, who were not able to pay, and whose stock being therefore forfeited to the bank, became in fact, a diminution of its efficient capital. This stock being sold, produced a direct profit of \$71,000 per annum—the difference between the employment of the proceeds and the highest dividends on the stock while it remained part of the capital; besides enabling the bank to multiply and extend its connexions in business, and give greater activity to its operations.

2d. The second measure relates to the nature and extent of the circulation of its notes. The whole amount of its own notes in circulation on the 1st of January, 1823, was \$4,589,000.

The means thus derived from the increase of notes and the sale of stock, were devoted to discounts and loans, and par-

ticularly to that class of loans which are at once the safest and the most useful; the discount of bills of exchange. With these means, the bank has been enabled to extend its operations in both foreign and domestic exchange, in such a manner as greatly to enhance the profits of its business, at the same time that it has afforded facility and security to the commercial transactions of the country. As an illustration of the progress of this branch of business, the most valuable to the bank, as being the great auxiliary of its circulation; the committee remark, that the amount of domestic exchange purchased by the bank, in the year ending the 1st of July, 1828, was \$22,084,222, on which the profit was \$451,203 17; whilst the profit on the purchase of domestic exchange in 1822, was \$95,240 25; and thus it appears, that the profit on domestic exchange has increased to an amount so great, as considerably to exceed all the expenses of the bank.

To exhibit the effects of this system, the committee present a comparison between the existing state of the banks as mentioned above, and that reported by the committee of stockholders in October, 1822.

State of the Bank, August 30, 1822.

Capital paid in,	\$34,992,139 63
The circulation,	5,450,391 90
Deposits—public,	3,559,792 96
private,	3,216,699 78
	6,776,492 74
Due to sundry offices and banks, and to individuals in Europe,	1,964,898 36
Unclaimed dividends,	129,741 28
Contingent fund to meet losses,	3,743,899 00
Disc't. exch. and int. since July,	388,237 01
Profit and loss,	51,897 07
	\$53,504,196 99

DISTRIBUTED.

Funded debt,	\$13,020,469 27
Loans, viz:	
Personal security,	22,072,405 46
Funded debt,	67,928 13
Domestic bills,	2,713,760 30
Debt of Smith & B.	1,857,457 23
Foreign bills,	24,599 76
Bank stock,	5,974,725 80
Mortgages,	8,000 00
	32,218,876 68
Due by banks, &c.	1,650,869 73
Real estate,	587,102 38
Bonus, premium, &c.	1,180,880 00
Banking houses,	834,922 15
Notes of state banks,	684,642 56
Specie,	3,346,434 22
	\$53,504,196 99

State of the Bank, August 1, 1828.

Capital paid,	34,996,269 63
The circulation,	13,045,760 71
Deposits—public,	7,301,746 43
private,	6,563,479 06
	13,865,225 49
Due to sundry banks and to individuals in Europe,	1,054,361 29
Unclaimed dividends,	456,005 76
Contingent fund to meet losses,	4,380,645 53
Disc't. exch. and interest,	378,378 87
Profit and loss,	1,518,298 61
	\$69,694,945 89

Funded debt,	16,930,969 51
Loans:—	
Personal security,	29,316,745 45
Funded debt,	142,212 73
Domestic bills,	6,013,890 15
Smith & B.,	612,760 44
Foreign bills,	340,185 93
Bank stock,	1,850,380 56
Mortgages,	79,907 38
Debt chargeable to contingent fund,	2,228,678 21
	40,584,760 85
Real estates,	2,292,652 11
Bonus, premium, &c.,	755,529 86
Banking houses,	1,079,926 48
Notes of state banks,	1,458,099 73
Specie,	6,593,007 35
	\$69,694,945 89

The preceding statements exhibit an increase in the capital of	4,130 00
Circulation,	7,588,868 81
Deposits,	7,088,732 75
Dividends unclaimed,	326,264 48
Contingent fund,	536,746 53
Profit and loss,	1,466,401 54
In the investments, the foregoing show an increase in the	
Funded debt owned by the bank, of	3,910,500 24
Loans,	8,363,884 17
Real estate,	1,705,549 73
Banking houses,	245,004 33
Notes of state banks,	793,457 17
Specie,	3,246,573 13
	\$18,266,968 77

And they represent a decrease in the debt of state banks, of	\$1,650,869 73
Bonus, &c.,	425,350 14
	2,076,219 87

Making a total increase of \$16,190,748 90

As a result, it is seen, that the net profits of the bank for the year ending on the 1st of July last, were \$823,212 99 greater than in the year ending on the 1st of July, 1822; and \$979,789 30 greater than the average of the three years preceding the first of July, 1822. This comparison will be more striking, if made between the semi-annual periods of the first January, 1823, and the first July, 1828, presenting an improvement in the resources of the bank of upwards of \$21,000,000, and an increase of circulation and deposits of more than \$16,000,000.

STATISTICAL VIEW of the COMMERCE of the UNITED STATES, exhibiting the value of Imports from, and the value of Articles of Exports to, each Foreign Country; also, the Tonnage of American and Foreign Vessels arriving from, and departing to, each Foreign Country, and the Tonnage belonging to each Foreign Power employed in the Commerce of the United States, during the year ending on the 30th day of September, 1827.

COUNTRIES.	COMMERCE.			NAVIGATION.				
	Value of Imports.	Value of Domestic Exports.	Value of Foreign Exports.	American Tonnage.		Foreign Tonnage.		Foreign tonnage entered into the United States, belonging to each foreign power.
				Entered into the U. States.	Depart'g from the U. States.	Entered into the U. States.	Depart'g from the U. States.	
Russia	2,086,077	45,510	336,734	15,310	3,509	360	117	360 Russian
Prussia	39,758	8,515	-	342	186	-	-	2,790 Swedish
Sweden and Norway	1,015,507	201,488	207,553	11,941	3,731	2,760	1,530	976 Danish
Swedish West Indies	209,535	416,832	25,014	8,935	16,277	-	-	1,090 Dutch
Denmark	40,892	148,958	253,983	889	2,928	-	-	99,114 British
Danish West Indies	2,209,349	1,403,601	538,190	44,878	44,353	458	810	63,706
Danish East Indies	-	-	-	99	-	-	-	7,521
Netherlands	965,917	2,339,381	898,950	31,662	33,519	414	1,712	1,880
Dutch West Indies	519,706	367,573	44,162	17,872	13,374	212	212	68
Dutch East Indies	236,447	38,559	127,749	2,026	1,143	-	-	-
England, Man, and Berwick	28,653,883	23,514,421	904,596	183,232	202,976	62,448	63,706	-
Scotland	1,083,101	1,336,169	-	7,763	7,296	10,143	7,521	-
Ireland	550,129	637,120	-	8,872	8,247	8,847	1,880	-
Gibraltar	829,953	1,040,999	864,387	16,056	26,790	-	-	-
British African ports	13,831	-	-	174	-	-	-	-
Naurius	-	-	-	327	-	-	-	-
British East Indies	589,050	32,717	1,018,733	1,672	2,430	9,088	7,753	-
British West Indies	895,207	683,105	7,470	43,687	26,796	-	-	-
Newfoundland, &c.	-	-	74	350	298	-	-	-
British American Colonies	445,118	2,797,014	33,660	60,459	60,378	7,798	11,145	-
Other British Colonies	11,910	-	-	1,133	249	-	-	-
Cape of Good Hope	5,180	-	-	425	-	-	-	-

VIEW OF COMMERCE.

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Hanse Towns and Ports of Germany	1,688,558	1,688,971	1,319,214	18,792	25,274	4,135	5,707	4715	4710	Hanseatic
France on the Atlantic	7,683,858	8,712,011	2,555,869	64,644	85,651	7,649	10,903	16,066	16,647	French
France on the Mediterranean	843,374	475,547	781,076	11,445	12,064	7,737	369			
French West Indies	921,330	979,697	61,156	38,268	50,031		4,536			
French East Indies										
Bourbon										
Other French African ports										
Spain on the Atlantic	154,855	74,761	47,178	3,754	9,245		73	3,980	2,710	Spanish
Spain on the Mediterranean	480,360	62,353	7,112	5,302	1,912		418			
Spain on the other Canaries	123,360	46,163	39,817	1,946	2,163					
Teneriffe and other Canaries	150,813			795						
Manilla	7,241,849	4,160,747	2,655,341	138,996	139,381	4,570	3,548			
Cuba	969,612	218,156	10,363	15,429	7,194	556	603			
Other Spanish West Indies	298,091	116,103	920	21,306	4,138					
Portugal	239,282	100,153	18,281	2,691	4,033	313				
Madeira	84,903	13,487	4,861	2,045	839	527				
Fayal and other Azores	77,425	80,010	24,155	1,496	2,129					
Cape de Verd Islands	1,013,136	74,417	535,804	10,313	5,391	507	207	400	207	Italian
Italy	163,546	42,671	224,122	1,825	2,090					
Trieste and other Austrian ports on the Adriatic				1,345	2,846					
Ionian Islands		14,634		1,245		198				
Turkey, Levant, &c.	783,198	131,734	470,325	4,062	3,109					
Morocco and Barbary States	14,321	2,031	2,063	105	105					
China	3,617,183	290,862	3,573,543	8,889	8,930	4,077	2,123	2,227	2,123	Mexican
Mexico	5,231,867	886,907	3,286,350	18,088	23,494					
Central Republic of America	251,342	147,574	77,198	3,731	5,015					
Colombia	1,550,248	611,312	333,222	12,150	13,042	794	602	865	673	Colombian
Brazil	2,060,971	1,486,433	377,373	22,380	37,709	80	381	80	381	Brazilian
Buenos Ayres	80,065	100,780	50,424	793	717		248			
Chili	184,693	1,040,748	661,853	1,623	12,634					
Peru	1,035,462	262,944	70,077	4,086	2,454					
South America, generally	27,503	71,537	21,489	2,132	3,821					
Hayti	1,781,309	1,162,473	169,436	21,362	25,720	3,794	3,774	3,937	3,742	Haytian
Asia, generally	44,206	21,139	640,670	1,319	6,745					
West Indies, generally	167	454,904	11,956	430	14,583		648			
Europe, generally		150,236	779	1,110	1,886					
Africa, generally	206,460	126,968	67,872	2,560	3,249	149	543			
South Seas		24,923	287	14,368	14,704					
North West Coast of America	53,298	37,702	40,862	397	754					
Sandwich Islands										
Uncertain ports	51,154									
Honduras	17,947	13,261	1,573							
	79,494,068	56,921,691	23,403,136	918,136	980,542	137,589	191,290	137,589	131,250	

VIEW OF COMMERCE.

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	8,436,427	7,021,639	3,005,326	54,543	65,055	9,015	8,703	14,601	14,422 French
France on the Atlantic	904,427	606,038	279,407	14,563	10,498				
France on the Mediterranean	893,634	1,004,937	15,334	54,643	33,929	5,111	4,137		
French West Indies and American Colonies	210,684	40,946	199,953	3,926	2,939		750	2,880	3,196 Spanish
Spain on the Atlantic	421,476	66,844	51,193	3,066	3,066		113		
Spain on the Mediterranean	232,740	33,529	8,551	3,183	1,516				
Teneriffe and the other Canaries	60,381	19,914	141,838	829	809				
Manilla and Philippine Islands	6,123,135	3,912,997	2,490,994	134,476	130,618	5,117	3,909		
Cuba	1,123,130	222,191	15,677	20,300	7,843	734	323		
Other Spanish West Indies	112,559	77,010	1,104	12,691	3,453	463	617	330	330 Portuguese
Portugal	168,610	101,948	9,985	3,203	4,387	211	211		
Madeira	82,058	67,502	9,727	2,186	2,433	128			
Cape de Verd Islands	70,328	19,559	4,719	1,264	1,924	119	119	766	767 Italian
Faial and other Azores	1,607,417	279,520	641,230	12,728	6,515	766	767		
Italy	237,378	119,233	305,255	3,203	3,058				
Trieste and Austrian ports on the Adriatic	498,533	78,374	194,567	4,208	249				
Greece	7,380			603					
Turkey, &c.	5,339,108	230,385	1,252,417	9,981	3,664				
Morocco and Barbary States	4,814,258	522,016	2,364,408	25,656	26,870	2,659	3,181	2,281	1,442 Mexican
China	204,770	106,773	52,499	3,082	3,390	606	56		
Central Republic of America	1,760	5,950	2,371						
Honduras	1,484,856	560,546	323,678	12,088	10,365	304	88	347	200 Colombian
Colombia	3,067,752	1,305,770	432,935	24,454	40,114	259			
Brazil	417,466	94,372	59,856	1,363	2,832				
Buenos Ayres	781,863	1,519,978	1,109,494	3,241	19,338				
Chili	943,199	159,389	100,555	4,200	2,314				
Peru	24,930	146,967	13,808	1,301	1,869				
South America, generally	2,163,555	1,123,405	909,306	27,338	24,727	5,800	5,863	5,709	5,343 Haytian
Hayti	371,501	46,776	336,835	1,664	2,736				
Asia, generally	1,860	437,916	22,531	680	15,929				
West Indies, generally		46,586	9,367	1,186	1,324				
Europe, generally		131,249	26,361	4,632	2,721		745		
Africa, generally		42,147	40,969	17,091	22,956				
South Seas		39,030	55,365		681				
Northwest Coast of America									
Uncertain ports									
Total	88,509,824	50,669,669	21,595,017	868,381	897,404	150,223	151,030	150,223	151,030

STATEMENT of the Commerce of each State and Territory, commencing on the 1st day of October, 1826, and ending on the 30th day of September, 1827.

STATES, &c.	Value of merchandise im-ported.	MERCHANDISE EXPORTED.			AMERICAN TONNAGE.		FOREIGN TONNAGE.		
		Value of domestic produce.	Value of foreign produce.	Total value of domestic and foreign produce.	Entered.	Departing.	Entered.	Departing.	
Maine -	1,333,390	1,033,035	37,099	1,070,134	72,733	94,660	3,397	2,896	
New-Hampshire -	302,211	155,580	21,818	177,398	12,544	6,849			
Vermont -	144,078	1,259,441		1,259,441					
Massachusetts -	13,370,564	3,320,349	6,604,034	10,424,383	173,178	130,056	4,798	3,951	
Rhode Island -	1,241,328	596,177	208,010	804,187	27,080	21,359			
Connecticut -	630,004	567,100	23,175	590,275	20,038	18,078			
New-York -	38,719,644	13,920,627	9,913,510	23,834,137	261,301	239,968	39,242	33,375	
New-Jersey -	338,497	25,627		25,627	725	933	637	571	
Pennsylvania -	11,212,935	3,391,296	4,184,537	7,575,833	74,705	68,753	4,007	4,097	
Delaware -	6,993	9,406		9,406	697	317			
Maryland -	4,405,708	3,457,691	1,058,715	4,516,406	57,940	67,430	4,515	4,191	
District of Columbia -	327,623	1,182,142		1,182,142	10,735	17,349	485	485	
Virginia -	431,765	4,646,737	11,201	4,657,938	23,488	53,235	7,386	7,843	
North Carolina -	276,791	447,086	2,151	449,237	28,652	36,683	2,544	3,164	
South Carolina -	1,434,106	8,189,496	133,065	8,322,561	38,665	68,854	25,418	24,601	
Georgia -	312,609	4,260,864	691	4,261,555	21,406	41,519	8,874	10,646	
Ohio -									
Louisiana -	4,531,645	10,602,832	1,126,165	11,728,997	66,657	89,793	30,937	30,240	
Alabama -	201,909	1,330,770	45,594	1,376,364	14,312	13,696	3,163	3,073	
Michigan Territory -	3,774	1,320		1,320					
Florida Territory -	257,994	24,115	33,371	57,486	13,505	11,010	2,186	2,117	
Total, Dollars, -	79,484,063	58,921,691	23,403,136	82,324,827	918,361	980,542	137,589	131,250	

VIEW OF COMMERCE

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STATEMENT of the Commerce of each State and Territory, commencing on the 1st day of October, 1827, and ending on the 30th day of September, 1828.

STATES, &c.	Value of merchandise imported.	MERCHANDISE EXPORTED.				AMERICAN TONNAGE.		FOREIGN TONNAGE.	
		Value of domestic produce.	Value of foreign produce.	Total value of domestic and foreign produce.		Entered.	Departing.	Entered.	Departing.
Maine	1,246,809	1,003,642	15,875	1,019,517	64,831	95,066	1,258	1,785	
New Hampshire	299,849	115,947	3,486	124,433	9,006	5,394			
Vermont	177,539	239,610		239,610					
Massachusetts	15,070,444	4,096,025	4,929,760	9,025,785	170,902	138,999	5,595	4,819	
Rhode Island	1,128,226	541,675	180,491	722,166	28,333	20,300	204		
Connecticut	485,174	493,925	27,620	521,545	16,391	17,588			
New-York	41,927,792	12,362,015	10,415,634	22,777,649	256,750	217,113	44,505	42,373	
New-Jersey	706,872	1,892		1,892	2,261	130	1,043		
Pennsylvania	12,884,408	3,116,001	2,935,479	6,051,480	80,350	61,819	8,320	5,880	
Delaware	15,260	27,028	2,367	29,395	868	1,050			
Maryland	5,629,694	3,107,819	1,226,603	4,334,422	56,259	59,532	5,612	6,631	
District of Columbia	181,665	706,581	1,362	707,443	5,832	13,269	295	990	
Virginia	375,238	3,324,616	15,569	3,340,185	12,580	42,958	3,255	7,278	
North Carolina	263,615	522,498	1,249	523,747	26,602	44,060	1,452	1,352	
South Carolina	1,242,048	6,508,570	42,142	6,550,712	25,154	47,555	25,010	25,596	
Georgia	308,669	3,104,425		3,104,425	13,520	24,514	8,639	9,582	
Alabama	171,909	1,174,737	7,822	1,182,559	13,360	15,359	4,146	4,765	
Louisiana	6,217,881	10,163,342	1,784,058	11,947,400	76,821	85,341	39,791	38,731	
Ohio									
Florida Territory	168,292			60,321	8,561	7,357	1,098	1,248	
Michigan do.	3,440								
Total	88,509,824	50,669,669	21,595,017	72,264,686	868,381	897,404	150,223	151,030	

A STATEMENT exhibiting the quantity of American and Foreign Tonnage entered into and departing from each District during the year ending on the 30th day of September, 1827.

DISTRICTS.	AMERICAN.		FOREIGN.	
	Entered.	Departing.	Entered.	Departing.
	Tons.			
Passamaquoddy - - -	10,071	20,392	2,801	2,617
Machias - - -	612	210		
Frenchman's Bay - - -	2,365	2,732		
Waldoborough - - -	2,469	1,066		
Wiscasset - - -	1,826	914		
Bath - - -	8,964	16,965	279	279
Portland - - -	39,716	42,340	317	
Kennebunk - - -	1,494	4,279		
Penobscot - - -	3,607	3,339		
Belfast - - -	1,068	1,622		
Saco - - -	541	711		
York - - -		90		
Portsmouth - - -	12,544	6,849		
Newburyport - - -	4,372	3,795		
Gloucester - - -	4,321	4,345		
Salem - - -	17,255	18,748		
Ipswich - - -				
Marblehead - - -	2,366	1,233		
Boston - - -	118,604	85,450	4,798	3,951
Plymouth - - -	2,899	941		
Barnstable - - -	1,627	450		
Nantucket - - -	204			
New Bedford - - -	11,199	13,569		
Edgartown - - -	9,812	1,339		
Dighton - - -	519	186		
Vermont - - -				
Newport - - -	6,974	3,765		
Bristol - - -	5,497	5,870		
Providence - - -	14,609	11,724		
New London - - -	4,230	6,530		
Middletown - - -	4,730	4,089		
New Haven - - -	8,725	6,812		
Fairfield - - -	2,353	647		
New-York - - -	251,522	232,428	35,887	30,090
Sag Harbour - - -	106			
Champlain - - -	4,719	2,547		
Oswegatchie - - -				
Sackett's Harbour - - -	2,523	2,737	197	245
Oswego - - -				
Genesee - - -	1,093	2,256	3,158	3,040
Niagara - - -				
Buffalo - - -				
Cape Vincent - - -	1,338			
Perth Amboy - - -	725	933	637	571
Burlington - - -				
Little Egg Harbour - - -				
Bridgetown - - -				
Great Egg Harbour - - -				
Philadelphia - - -	74,705	68,753	4,007	4,097
Presque Isle - - -				

TONNAGE.

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Statement continued.

DISTRICTS.	AMERICAN.		FOREIGN.	
	Entered.	Departing.	Entered.	Departing.
	Tons.			
Delaware	697	317		
Baltimore	55,092	66,577	4,515	4,191
Annapolis	1,926			
Saint Mary's		297		
Snow Hill	715	261		
Vienna	207	295		
Oxford				
Georgetown	2,043	5,458	144	144
Alexandria	8,692	11,891	341	341
Norfolk	13,123	14,633	5,628	4,980
Petersburg	3,621	19,083	571	571
Richmond	3,535	16,675	1,187	2,292
Yorktown				
East River	1,162	549		
Tappahannock	1,333	1,869		
Folly Landing	404	260		
Cherrystone	310	166		
Wilmington	15,275	18,892	2,430	3,050
Washington	2,098	2,286		
Newbern	7,739	9,049	114	114
Edenton	574	1,545		
Camden	2,372	3,735		
Beaufort				
Ocracoke				
Plymouth	594	1,176		
Charleston	38,665	68,854	25,418	24,691
Georgetown				
Beaufort				
Savannah	21,131	40,292	8,256	9,779
Sunbury				
Brunswick	275	880	618	867
St. Mary's		347		
Hardwick				
Mobile	14,312	13,696	3,163	3,073
Blakely				
Mississippi	66,657	89,793	30,937	30,240
Teche				
Pearl River				
Pensacola	1,121	924	266	266
St. Augustine	128	216		35
Apalachicola	58	58		
Key West	12,198	9,812	1,920	1,816
Cuyahoga				
Miami				
Sandusky				
Detroit				
Michilimackinac				
Total	918,361	980,542	137,589	131,250

A STATEMENT exhibiting the quantity of American and Foreign Tonnage entered into and departing from each District, during the year ending on the 30th September, 1828.

DISTRICTS.	AMERICAN.		FOREIGN.	
	Entered.	Departing.	Entered.	Departing.
Tons.				
Passamaquoddy	12,155	19,838	1,258	1,258
Machias	—	154		
Frenchman's Bay	2,296	1,439		
Penobscot	1,959	1,674		
Waldoborough	809	1,204		
Wiscasset	467	409		
Bath	9,459	16,014		
Portland	34,347	46,963	—	527
Kennebunk	1,658	3,614		
Belfast	1,457	2,867		
Saco	—	800		
York	224	90		
Portsmouth	9,006	5,394		
Newburyport	6,015	4,555		
Gloucester	3,877	4,676		
Salem	17,042	15,882		
Ipswich				
Marblehead	1,584	1,639		
Boston	111,439	87,811	5,595	4,819
Barnstable	652	340		
Nantucket	—	222		
New-Bedford	15,054	18,254		
Plymouth	2,828	1,510		
Edgartown	11,774	3,919		
Dighton	637	191		
Vermont				
Newport	4,356	3,090		
Bristol	6,746	5,727	204	
Providence	17,231	11,483		
New-London	3,061	6,479		
Middletown	5,287	3,503		
New-Haven	5,660	6,912		
Fairfield	2,383	694		
New-York	242,660	202,844	42,319	40,123
Sag Harbour	345			
Champlain	10,593	10,566		
Oswegatchie				
Sackett's Harbour	2,321	2,373	433	454
Genesee	831	1,330	1,753	1,796
Oswego				
Niagara				
Buffalo				
Cape Vincent				
Perth Amboy	2,025	130	1,043	
Burlington				
Little Egg Harbour				
Bridgetown	236			
Great Egg Harbour				
Philadelphia	80,350	61,819	3,320	5,880
Presque Isle				

TONNAGE.

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Statement continued.

DISTRICTS.	AMERICAN.		FOREIGN.	
	Entered.	Departing.	Entered.	Departing.
	Tons.			
Delaware . . .	868	1,050		
Baltimore . . .	55,382	58,323	5,612	6,631
Annapolis . . .				
Oxford . . .	279	279		
Vienna . . .	—	91		
Snowhill . . .	598	839		
St. Mary's . . .	—			
Georgetown . . .	2,061	3,678		
Alexandria . . .	3,771	9,591	295	990
Norfolk . . .	7,688	15,513	1,768	2,402
Petersburg . . .	1,003	8,827	—	1,737
Richmond . . .	2,184	16,515	1,487	3,139
Tappahannock . . .	773	1,537		
Yorktown . . .				
East River . . .	374	107		
Folly Landing . . .	385	184		
Cherrystone . . .	173	275		
Camden . . .	3,169	5,056		
Edenton . . .	796	2,726		
Plymouth . . .	771	1,201		
Washington . . .	2,362	2,648	107	
Newbern . . .	5,924	8,936	178	
Ocracoke . . .				
Beaufort . . .				
Wilmington . . .	13,580	23,493	1,167	1,352
Georgetown . . .	78			
Charleston . . .	25,076	47,555	25,010	25,596
Beaufort . . .				
Savannah . . .	16,660	22,428	8,336	9,280
Sunbury . . .				
Hardwick . . .				
Brunswick . . .	532	1,858	303	302
St. Mary's . . .	328	228		
St. Augustine . . .				
Key West . . .	7,880	6,772	839	989
Apalachicola . . .				
Pensacola . . .	681	585	259	259
Mobile . . .	13,360	15,359	4,146	4,765
Blakely . . .				
Pearl River . . .				
Teche . . .				
Mississippi . . .	76,821	85,341	39,791	38,731
	868,381	897,404	150,223	151,030

ABSTRACT of the Tonnage of the Shipping of the several Districts
of the United States, on the last day of December, 1826.

DISTRICTS.	Registered Ton- nage.	Enrolled and li- censed Tonnage.	Total Tonnage of each district.
Tons and 95ths.			
Passamaquoddy, Maine	7,583 32	3,761 86	11,345 23
Machias	-	4,944 15	4,944 15
Frenchman's Bay	4,473 10	7,941 44	12,414 54
Penobscot	5,287 33	17,369 84	22,657 22
Belfast	3,696 70	8,855 63	12,552 38
Waldoborough	1,756 73	32,608 48	34,365 26
Wiscasset	2,326 40	8,849 68	11,176 13
Bath	18,000 80	12,516 36	30,517 21
Portland	33,133 41	15,425 90	48,559 36
Saco	3,220 63	2,500 72	5,721 40
Kennebunk	6,909 29	1,151 67	8,061 01
York	167 68	1,083 30	1,251 03
Portsmouth, New-Hampshire	20,103 93	6,109 30	26,213 28
Newburyport, Massachusetts	9,894 58	12,986 36	22,880 94
Ipswich	69 60	1,276 04	1,345 64
Gloucester	3,545 65	10,379 82	13,925 52
Salem	31,641 03	11,739 12	43,380 15
Marblehead	2,928 22	8,391 43	11,319 65
Boston	109,383 47	62,592 60	171,976 12
Plymouth	11,258 81	13,608 07	24,608 07
Dighton	842 89	3,257 68	4,100 62
New-Bedford	27,404 22	12,494 34	39,898 56
Barnstable	989 27	22,076 92	23,066 24
Edgartown	1,600 69	1,016 47	2,617 21
Nantucket	21,246 40	5,161 71	26,408 16
Providence, Rhode Island	14,198 14	5,083 15	19,281 29
Bristol	6,598 77	2,612 03	9,210 80
Newport	6,120 41	3,221 19	9,401 60
Middletown, Connecticut	6,741 39	10,779 68	17,521 12
New-London	3,589 29	9,027 62	12,616 91
New-Haven	4,823 38	7,456 20	12,279 58
Fairfield	205 21	10,086 68	10,291 89
Vermont	-	-	-
Champlain, New-York	1,191 11	-	1,191 11
Sackett's Harbour	617 85	958 92	1,576 82
Oswego	46 85	381 72	428 62
Niagara	-	-	-
Genesee	742 70	1,309 63	2,052 38
Oswegatchie	-	-	-
Buffalo Creek	210 07	1,900 11	2,110 18
Sag Harbour	2,314 00	4,702 69	7,016 69
New-York	158,451 38	157,837 58	316,289 01
Cape Vincent	-	44 65	44 65
Perth Amboy, New-Jersey	1,161 83	10,873 12	12,035 00
Bridgetown	266 50	15,947 59	16,214 14
Burlington	-	2,162 09	2,162 09
Little Egg Harbour	-	3,763 18	3,763 18
Great Egg Harbour	-	7,876 72	7,876 72
Philadelphia, Pennsylvania	63,283 30	10,116 82	73,400 17
Presque Isle	160 04	295 87	455 91

TONNAGE OF DISTRICTS.

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Abstract of Tonnage continued.

DISTRICTS.	Registered Ton- nage.	Enrolled and li- censed Tonnage.	Total Tonnage of each district.
	Tons and 95ths.		
Wilmington, Delaware -	158 51	10,987 04	11,145 55
Baltimore, Maryland -	61,304 70	35,176 57	96,481 32
Oxford - - -	-	18,039 37	18,039 37
Vienna - - -	320 56	23,625 75	22,946 36
Snow Hill - - -	386 08	7,351 06	7,737 14
Annapolis - - -	115 84	3,404 72	3,520 61
St. Mary's - - -	-	4,120 10	4,120 10
Georgetown, Columbia -	1,584 67	3,244 78	4,829 50
Alexandria - - -	5,875 23	9,003 00	14,878 23
Norfolk, Virginia - -	6,066 87	16,097 08	22,164 00
Petersburg - - -	1,825 91	4,457 50	6,283 46
Richmond - - -	3,304 20	5,541 78	8,846 03
Yorktown - - -	-	1,546 36	1,546 36
East River - - -	744 26	3,130 00	3,874 26
Tappahannock - - -	1,591 90	10,840 44	12,432 39
Folly Landing - - -	191 00	3,229 88	3,420 88
Cherrystone - - -	-	2,198 68	2,198 68
Wilmington, North Carolina	8,328 80	1,286 03	9,614 83
Newbern - - -	4,845 75	3,018 21	7,864 01
Washington - - -	1,438 75	2,809 91	4,248 71
Edenton - - -	1,291 39	6,573 12	7,864 51
Camden - - -	3,600 55	4,958 50	8,559 10
Beaufort - - -	48 77	1,163 84	1,212 66
Plymouth - - -	165 38	483 07	648 45
Ocracoke - - -	1,298 72	1,297 52	2,596 29
Charleston, South Carolina	12,066 50	16,643 89	28,710 44
Georgetown - - -	-	1,268 05	1,268 05
Beaufort - - -	-	-	-
Savannah, Georgia - -	4,457 45	4,205 31	8,662 76
Sunbury - - -	-	-	-
Hardwick - - -	-	-	-
Brunswick - - -	811 49	1,119 29	1,930 78
St. Mary's - - -	494 56	818 57	1,313 18
Miami, Ohio - - -	-	-	-
Cuyahoga - - -	-	991 31	991 31
Sandusky - - -	74 63	317 07	391 70
Detroit, Michigan - -	-	506 20	506 20
Michilimackinac - - -	-	-	-
Mobile, Alabama - - -	1,494 18	7,156 86	8,651 09
Blakely - - -	-	-	-
Pearl River - - -	-	664 32	664 32
New-Orleans - - -	15,357 27	23,808 69	39,166 01
Teche - - -	-	-	-
Pensacola - - -	-	167 71	167 71
St. Augustine - - -	546 06	362 92	909 03
St. Marks - - -	-	-	-
Key West - - -	-	-	-
Total -	737,978 15	796,212 68	1,534,190 83

ABSTRACT of the Tonnage of the Shipping of the several Districts of the United States, on the last day of December, 1827.

DISTRICTS.	Registered Tonnage.	Enrolled and licensed Tonnage.	Total Tonnage of each district.
	Tons and 95ths.		
Passamaquoddy, Maine .	9,943 33	3,993 79	13,937 17
Machias do. .	137 81	5,099 00	5,236 81
Frenchman's Bay do. .	3,330 77	8,004 70	11,335 52
Penobscot do. .	5,541 56	19,851 53	25,393 14
Belfast do. .	4,419 07	9,874 62	14,293 69
Waldoborough do. .	2,079 62	25,897 76	27,977 43
Wiscasset do. .	2,249 83	9,390 87	11,640 75
Bath do. .	15,360 61	15,090 61	30,451 27
Portland do. .	33,212 46	15,822 60	49,035 11
Saco do. .	1,020 36	2,773 65	3,794 06
Kennebunk do. .	6,858 62	1,196 41	8,055 08
York do. .	193 52	1,051 59	1,245 16
Portsmouth, New-Hampshire	20,672 43	5,491 80	26,164 28
Newburyport, Massachusetts	10,778 75	13,622 37	24,401 17
Ipswich do. .	69 60	1,276 04	1,345 64
Gloucester do. .	3,315 53	11,236 32	14,551 85
Salem do. .	32,383 90	13,212 41	45,596 36
Marblehead do. .	2,544 74	9,043 70	11,588 49
Boston do. .	108,508 52	53,075 32	161,583 84
Plymouth do. .	10,861 21	14,263 43	25,124 64
Dighton do. .	515 81	3,693 34	4,209 20
New-Bedford do. .	32,440 77	12,486 62	44,927 44
Barnstable do. .	1,033 68	24,995 11	26,028 79
Edgartown do. .	1,706 13	1,615 83	3,322 01
Nantucket do. .	20,952 41	5,400 62	26,353 08
Providence, Rhode-Island .	13,709 65	5,607 44	19,317 14
Bristol do. .	7,804 24	2,908 79	10,513 08
Newport do. .	6,686 07	4,149 74	10,835 81
Middletown, Connecticut .	6,732 29	12,011 51	18,743 80
New-London do. .	4,203 36	9,628 44	13,831 80
New-Haven do. .	3,525 29	8,850 20	12,375 49
Fairfield do. .	243 77	10,748 23	10,992 05
Vermont do. .		764 61	764 61
Champlain, New-York .	1,539 09		1,539 09
Sackett's Harbour do. .	1,109 68	1,077 46	2,187 19
Oswego do. .	158 59	332 43	491 07
Niagara do. .			
Genesee do. .	943 47	1,021 74	1,965 26
Oswegatchio do. .			
Buffalo creek do. .			
Sag Harbour do. .	3,069 71	4,658 15	7,727 86
New-York do. .	165,014 87	181,341 90	346,356 82
Cape Vincent do. .		281 48	281 48
Perth Amboy, New-Jersey .	511 59	11,875 44	12,387 08
Bridgetown do. .	401 23	17,371 60	17,772 83
Burlington do. .		2,251 54	2,251 54
Little Egg Harbour do. .		3,920 01	3,920 01
Great Egg Harbour do. .		8,659 20	8,659 20
Philadelphia, Pennsylvania .	61,524 54	33,627 39	95,151 93
Presque Isle do. .	175 36	295 87	471 28
Wilmington, Delaware .	158 51	11,594 10	11,752 61
Baltimore, Maryland .	59,917 38	39,012 87	98,930 30
Oxford do. .	36 48	19,417 78	19,454 31
Vienna do. .	411 71	24,524 47	24,936 23

VIEW OF COMMERCE.

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Abstract—Continued.

DISTRICTS.	Registered Ton-	Enrolled and li-	Total tonnage
	nage.	censed tonnage.	of each district.
Tons and 9ths.			
Snow Hill, Maryland .	261 47	7,854 66	8,117 13
Annapolis do. .		3,912 52	3,912 52
St. Mary's do. .		3,981 71	3,981 71
Georgetown, Dis. Columbia, .	1,792 01	3,864 26	5,656 27
Alexandria do. .	5,491 68	9,795 54	25,287 27
Norfolk, Virginia .	5,246 88	17,643 02	22,889 90
Petersburg do. .	2,178 88	4,686 36	6,865 29
Richmond do. .	3,154 65	5,507 85	8,662 55
Yorktown do. .		2,723 93	2,723 93
Tappahannock do. .	1,317 58	10,825 41	12,243 04
East River do. .	2,189 52	3,589 14	5,778 66
Folly Landing do. .	84 41	3,353 89	3,438 35
Cherrystone do. .	67 46	2,169 24	2,236 70
Wilmington, North-Carolina .	9,035 57	1,724 43	10,760 05
Newbern do. .	4,777 33	3,149 19	7,926 52
Washington do. .	1,670 05	2,904 30	4,574 35
Edenton do. .	2,266 71	6,837 23	9,103 94
Camden do. .	3,184 28	5,627 08	8,811 36
Beaufort do. .	483 10	1,887 01	2,370 11
Plymouth do. .	284 46	288 81	573 32
Ocracoke do. .	1,242 46	1,351 67	2,594 18
Charleston, South-Carolina .	12,410 68	19,461 51	31,872 24
Georgetown do. .	284 14	1,416 27	1,700 41
Beaufort do. .			
Savannah, Georgia .	4,268 50	4,087 44	8,355 94
Sunbury do. .			
Hardwick do. .			
Brunswick do. .	698 14	996 53	1,694 72
St. Mary's do. .	494 86	875 30	1,370 21
Miami, Ohio, .			
Cuyahoga do. .	38 91	1,057 63	1,096 59
Sandusky do. .	30 14		30 14
Detroit Michigan .		447 26	447 26
Michilimackinack do. .			
Mobile, Alabama .	1,462 37	7,931 47	9,393 84
Blakely do. .			
Pearl River, Mississippi .		750 15	750 15
New-Orleans do. .	13,562 16	28,579 79	42,142 00
Teche do. .			
Pensacola, Florida .	29 91	256 83	286 79
St. Augustine do. .	128 74	444 90	573 69
St. Marks do. .			
Key West do. .	1,223 47	59 58	1,283 10
Total,	747,170 44	873,437 34	1,620,607 78

NOTE.—Of the enrolled and licensed tonnage, there were employed in
the fisheries - - - - - 84,278 78
In steam navigation - - - - - 40,197 75

VOL. III.

A COMPARATIVE VIEW of the registered, and enrolled, and licensed Tonnage of the United States, from 1815 to 1827, inclusive.

YEARS.	Registered tonnage.	Enrolled and licensed tonnage.	Total tonnage.
	Tons and 95ths.		
1815	845,294 74	513,833 04	1,368,127 78
1816	800,759 63	571,458 85	1,372,218 53
1817	809,724 70	590,186 66	1,309,911 41
1818	606,088 64	609,095 51	1,225,184 20
1819	612,930 44	647,821 17	1,260,751 61
1820	619,047 53	661,118 66	1,280,166 24
1821	619,096 40	679,062 30	1,298,958 70
1822	628,150 41	696,548 71	1,324,699 17
1823	639,920 76	696,644 87	1,336,565 63
1824	669,972 60	719,190 37	1,389,163 02
1825	700,787 03	722,323 69	1,423,111 77
1826	737,978 15	796,212 68	1,534,190 83
1827	747,170 44	873,437 34	1,620,607 78

IMPORTS FOR 1827—28.

SUMMARY STATEMENT of the quantity and value of Goods, Wares, and Merchandise, imported into the United States in American and Foreign vessels, in the years commencing on the first day of October, 1826, and ending on the 30th of September, 1827 and 1828.

SPECIES OF MERCHANDISE.	1827	1828
<i>Value of Merchandise Free of Duty.</i>		
Articles imported for the use of the United States .	1,023	2,046
Articles imported for Incorporated Philosophical Societies, &c.		
Maps and charts		19
Philosophical apparatus, instruments, &c.	6,868	4,148
Books	19,645	13,134
Statuary, busts, casts, and specimens of sculpture	14,493	884
Paintings, drawing, etching, engraving, &c.	40	15
Anatomical preparations	670	234
Antimony, regulus of	12,306	23,207
Lapis calaminaris, teutenogue, spelter or zinc	38,351	25,706
Burr stones, unwrought	19,255	23,379
Brimstone and sulphur	36,511	29,484
Cork tree, bark of	3,346	1,595
Clay, unwrought	7,378	5,612
Rags, of any kind of cloth	128,949	279,041
Furs, of all kinds	347,347	488,536
Hides and skins, raw	1,480,349	1,804,202
Plaster of Paris	76,829	61,691
Specimens of botany, natural history, and mineralogy	10,212	15,171
Models of invention and machinery	2,431	563

IMPORTS FOR 1827-28.

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Barilla	17,074	92,825
Wood, dye	198,491	292,932
unmanufactured mahogany, and other	393,445	398,572
Animals for breed	28,065	47,163
Pewter, old	1,600	1,341
Tin, in pigs and bars	130,443	50,977
Brass, in pigs and bars	34,697	534
old	2,264	4,471
Copper, in pigs and bars	160,778	687,416
in plates, suited to the sheathing of ships	438,382	400,560
for the use of the mint	22,302	8,844
old, fit only to be re-manufactured	66,985	124,457
Bullion	513,654	69,650
Specie	7,637,476	465,063
Domestic goods returned	1,167	738,570
All other articles	1,918	6,216,458
		676
	Total, Dollars,	
	11,855,104	12,379,176
<i>Value of Merchandise paying Duties Ad Valorem.</i>		
Manufactures of wool:		
Cloths and cassimeres	4,285,413	4,315,714
Flannels and baizes	587,250	521,177
Blankets	703,477	624,239
Worsted and stuff	1,382,875	1,446,146
Hosiery, gloves, mits, &c.	376,927	365,339
All other manufactures of, paying a duty of 30 per cent.	895,573	678,399
Manufactures of cotton:		
Printed and coloured	5,316,546	6,133,844
White	2,584,994	2,451,316
Hosiery, gloves, mits, &c.	439,773	640,360
Twist, yarn, and thread	263,772	344,040
Nankeens	256,221	388,231
All other manufactures of, paying a duty of 25 per cent.	454,847	1,038,439
Silk, from India	1,546,257	2,829,754
other places	4,998,988	4,778,860
Vestings and plaids	209,357	216,210
Flax	2,656,786	3,239,539
Hemp	1,516,553	1,678,692
Iron and steel	3,525,433	3,559,982
Copper	141,585	24,613
Brass	429,834	468,408
Tin	23,344	15,629
Pewter and lead, except shot	20,251	30,957
Wood, including cabinet wares	98,316	101,048
Leather, including saddles, bridles and harness	444,466	492,074
Manufactures of Glass ware		
China, earthen and stone, japanned, plated, and gilt	92,591	188,384
Gold and silver	1,447,820	1,806,657
Lace	362,050	493,077
Plated saddlery, coach and harness furniture	923,680	800,576
Square wire, used for umbrella stretchers.	15,003	44,559
Marble, and manufactures of	2,238	7,296
Slates and tiles for building	8,249	12,588
Prepared quills	83,140	54,725
Black lead pencils	8,833	21,014
Paper hangings	4,095	4,343
Brushes of all kinds	63,040	86,998
Quicksilver	5,995	4,652
Hair cloth and hair seatings	173,195	249,011
Bolting cloths	21,220	21,538
Oil Cloth, and oil cloth carpeting, of every description	31,540	29,417
Hats, caps, and bonnets	30,309	35,259
	340,428	410,495

Unmanufactures of copper bottoms, and copper in plates or sheets, not suited to the sheathing of ships	30,946	28,844
Brass, in plates and sheets	21,869	22,386
Tin, in plates and sheets	436,873	21,424
Raw silk	135,230	608,738
Wool	408,527	48,609
Opium	387,561	491,945
Articles not specially enumerated, at 12½ per cent.	1,039,099	163,530
Do do do 15 do	2,021,432	912,458
Do do do 20 do	87,704	2,147,890
Do do do 25 do	177,688	90,782
Do do do 30 do	436,928	151,937
Do do do 33½ do		503,619
Total, Dollars,	41,956,121	45,845,761
<i>Quantity and Value of Merchandise paying Specific Duties,</i>		
Carpeting	511,186	581,946
Cotton bagging	366,913	408,626
Woollens, not above 33½ cents per square yard		146,545
Patent printed floor cloth	No returns	4,481
Oil cloth, other than patent floor cloths		765
Furniture oil cloth		8,782
Floor matting and flags		177
Sail duck		413,266
Flax		46,686
Wool		120,206
Wines		1,507,533
Spirits, from grain		502,974
other materials		1,828,682
Molasses	2,818,982	2,788,471
Beer, ale, and porter	79,590	79,070
Vinegar	9,673	5,135
Oil	68,646	140,827
Teas	1,714,832	2,451,197
Coffee	4,464,391	5,192,338
Cocoa	406,549	369,317
Chocolate	819	762
Sugar, brown and white	4,577,361	3,546,736
candy and loaf	96	47
other refined	7	12
Fruits	433,954	343,843
Candles, cheese, soap, and tallow	112,906	28,866
		11,284
		21,031
		105,930
Lard	41	88
Beef and pork	8,049	22,094
Bacon	503	343
Butter	283	83
Saltpetre	3	13
Vitriol	38	5
Camphor	8,251	1
Salts, Epsom, &c.	206	109
Spices	322,730	432,504
Tobacco, manufactured, and snuff	20,337	524
Indigo	1,093,084	1,974,917
Cotton	14,034	57,736
Gunpowder	12,485	12,024
Bristles	85,433	132,242
Glue	318	320
Paints	149,588	244,027
Lead, pig, bar, and shot	303,615	302,111
Cordage, twine, packthread, seine, &c.	137,987	207,849
Corks	37,161	50,923
Copper, rods and bolts, nails and spikes	3,385	3,505
Fire arms, muskets and rifles	13,453	26,775

EXPORTS FOR 1827-28.

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Iron and steel wire	79,257	117,467
Tacks, brads and sprigs, nails and spikes	53,095	54,756
Cables and chains, or parts thereof	25,624	45,611
Mill cranks, mill irons of wrought iron	10	20
Mill saws	5,322	8,766
Anchors, anvils, hammers and sledges for blacksmiths, castings, vessels, and all other	102,017	99,979
Braziers' rods, nail or spike rods, slit	40,581	54,069
Sheet and hoop, slit or rolled	142,248	239,725
In pigs, bars, and bolts, rolled and hammered	1,713,422	2,675,203
Steel	310,197	430,425
Hemp	635,854	1,075,243
Alum	346	48
Copperas	3,629	4,535
Wheat flour	91	12
Salt	535,201	443,469
Coal	142,677	104,292
Slates	no returns	7,116
Wheat	910	688
Oats	209	110
Potatoes	14,273	13,878
Paper	44,241	53,760
Books	119,287	120,537
Glass, cut, not specified	12,271	15,402
All other articles	174,234	180,626
Apothecaries' phials	22,903	10,640
Bottles	140,743	104,767
Window	71,752	56,577
Demi-johns	20,710	19,553
Fish, dried or smoked	} 24,971	} 10,469
pickled		
Shoes, boots, bootees, &c.	5,817	4,896
Cigars	174,931	209,479
Playing cards	1,610	81
Total value of merchandise paying specific duty	25,672,843	30,284,887
Do do ad valorem duty	41,956,121	45,845,761
Do do free of duty	11,855,104	12,379,176
Total, Dollars,	79,484,068	88,509,824

EXPORTS FOR 1827-8.

SUMMARY STATEMENT showing the value of Exports of the growth, produce, and manufacture of Foreign Countries, during the years ending on the 30th day of September, 1827 and 1828.

<i>Value of Merchandise free of duty.</i>	1827	1828
Lapis calaminaris, teutenegue, spelter or zinc	25720	15131
Brimstone and sulphur	1512	4311
Furs of all kinds	2787	8071
Hides and skins, raw	390032	274099
Plaister of Paris	152	no returns
Specimens of Botany	42	550
Wood, (dye and barilla, unmanufactured mahogany, &c)	345448	419981
Tin, in pigs or bars	7929	7923
Copper, in pigs and bars	22190	94277
plates, suited for the sheathing of ships	17252	51282
old copper	780	1614
Bullion	11847	56251
Specie	6,959459	7,494188
	\$7,785150	\$8,427678

Value of Merchandise paying duties ad valorem.

Manufactures of wool—	1827	1828
cloths and cassimeres	166603	1,09315
flannels and baizes	11425	12022
blankets	14317	24840
hosiery, gloves, mits, &c.	687	2086
worsted and stuff	26956	26093
All manufactures paying a duty of 30 per cent.	21713	17152
Cotton—		
printed and colored	964904	1,402103
white	495188	406623
nankeens	230448	324274
hosiery, gloves, mits, &c.	46788	44988
twist, yarn, and thread	63413	46736
All other manufactures paying a duty of 25 per cent.	38073	18015
Silk, from India	891975	713610
other places	798151	509574
vestings and plaids	16525	3400
flax	707444	823900
hemp	514323	434807
iron and steel	232085	200872
copper	849	10910
brass	47471	38908
tin	467	260
pewter.	30	906
wood, including cabinet wares..	20637	11337
leather, including saddles, bridles, and harness	9375	3216
glass, not subject to a specific duty	41519	39045
wares, China, and earthen stone, &c.	148010	132419
gold, silver, &c.	22472	54990
lace	74632	75579
marble and manufactures of.	760	420
slates and tiles for building.	701	810
prepared quills	2269	341
black lead pencils	639	500
paper hangings	1881	1326
brushes	1551	no returns
quicksilver	230171	298088
oil cloth and oil cloth carpeting..	2283	2446
hats, caps, and bonnets	17083	11943
opium	394290	133799
Unmanufactured, copper bottoms, and copper in plates or sheets	1895	no returns
brass	1400	no returns
tin	25272	39255
silk	181150	47277
wool	28686	3094
Articles not specially enumerated, at 12½ per cent.	621897	616211
15 do.	796612	836939
20 do.	27741	21579
25 do.	65143	59033
30 do.	131317	122334
	\$8,139271	\$7,689381

EXPORTS FOR 1827-8.

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<i>Value of Merchandise paying specific rates of duty.</i>	1827	1828
Carpeting	1000	1566
Cotton bagging.....	1759	3478
Wines	342356	327806
Spirits from grain.....	14979	13568
other materials.....	208836	241773
Molasses	6492	9488
Beer, ale, and porter.....	1607	3626
Oils	32486	54662
Teas	772443	679924
Coffee.....	2,324784	1,497097
Cocoa.....	441221	345674
Sugar, brown and white.....	1,190899	826833
other refined.....	607	1666
Fruits	54739	39204
Candles, spermaceti and tallow, soap, &c.	47762	28007
Beef and pork.....	28934	34284
Saltpetre	31042	
Salts.....	3	
Spices	363129	181307
Tobacco, manufactured and snuff.....	21962	458
Indigo	864951	562768
Cotton.....	9875	22810
Gunpowder.....	2408	5788
Glue.....	40	29
Paints	11607	10934
Lead, pig, bar, and shot	197151	118037
Cordage.....	94979	102614
Twine, packthread, and seine	3176	7487
Corks.....	1886	2613
Copper, rods and bolts, nails and spikes	19483	76
Fire arms, muskets and rifles.....	66191	19870
Iron, tacks, brads, sprigs and nails, spikes, &c.....	1261	4627
rods, brazier or round, nail or spike, slit or rolled...	2868	19466
cables and chains and anchors.....	577	2208
anvils and castings	1804	
sheet or hoop and mill saws.....	12735	3796
in pigs, bars, and bolts	42834	65664
Steel.....	42662	18472
Hemp.....	1004	
Copperas.....	47	no returns
Salt	16014	10718
Coal	66	682
Potatoes	337	68
Zaper	81190	53224
Books	20150	12749
Glass	38533	56769
Fish	1704	400
Shoes and slippers.....	760	808
Cigars	49977	39945
Playing cards	3501	1245
Vinegar	1904	1192
Wool, not exceeding 33½ per square yard, 1326 sq. yds...	no returns	750
Sail duck	6019 do	no returns
Cheese.....	no returns	1382
Soap.....	no returns	6878
Tallow.....	no returns	7560
Vitriol	no returns	25893
		14
	\$ 7,478715	\$ 5,477958

Value of merchandise free of duty	7,785,150	8,427,678
do do paying duties ad valorem	8,139,271	7,689,381
do do paying specific rates of duty	7,478,715	5,477,958
Total value of foreign produce	<u>\$ 23,403,136</u>	<u>\$21,595,017</u>

SUMMARY STATEMENT of the value of the Exports of the growth, produce, and manufacture of the United States, during the years ending on the 30th day of September, 1827 and 1828.

THE SEA.		1827	1828
Fisheries—			
Dried fish, or cod fisheries		747171	819926
Pickled fish, or river fisheries. (herring, shad, salmon, mackerel)		240276	246737
Whale (common) oil, and whale- bone		223604	181270
Spermaceti oil and candles		364281	446047
		<u>\$1,575,332</u>	<u>\$1,693,900</u>
THE FOREST.			
Skins and Furs		441690	626235
Ginseng		79566	91164
Product of wood.			
Staves, shingles, boards, and other lumber		1,697,170	1,821,906
Oak bark, and other dye		79884	101175
Naval Stores—tar, pitch, rosin, and turpentine		402489	487761
Ashes—pot and pearl		643171	761370
		<u>\$3,343,970</u>	<u>\$3,889,611</u>
AGRICULTURE.			
Products of animals—			
Beef, tallow, hides, and horned cattle		772636	719961
Butter and cheese		184049	176354
Pork, (pickled,) bacon, lard, live hogs		1,555,698	1,495,830
Horses and mules		173629	185542
Sheep		13586	7499
Vegetable food—			
Wheat, flour, and biscuit		4,645,784	4,464,774
Indian corn and meal		1,022,464	822,858
Rye meal		47698	59036
Rye, oats, and other small grain and pulse		87284	67997
Potatoes		39174	35371
Apples		35828	22700
Rice		2,343,908	2,620,696
Tobacco		6,577,123	5,269,960
Cotton		29,359,545	22,487,229
All other agricultural products.			
Indigo		8358	1495
Flaxseed		188606	144095
Hops		8284	25439
Brown Sugar		1489	4095
		<u>\$47,065,143</u>	<u>\$35,610,924</u>

EXPORTS FOR 1827-8.

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MANUFACTURES.		
Soap and tallow candles	901751	912322
Leather, boots, and shoes.....	388525	401259
Saddlery.....	57717	49758
Hats	286624	326294
Wax	123354	134886
Spirits from grain, beer, ale, and porter	144832	203780
Wood, (including coaches and other carriages)	574751	611196
Snuff and tobacco.....	239024	210747
Lead	3761	4184
Linseed oil and spirits of turpen- tine	20704	22119
Cordage	63074	20030
Iron.....	273158	231234
Spirits from molasses.....	97203	185096
Sugar refined.....	34012	38207
Chocolate.....	1350	3344
Gunpowder	176229	181384
Copper and brass.....	52341	60452
Medicinal drugs.....	119390	95083
Cotton piece goods.		
Printed and coloured	45120	76012
White	951001	887628
Nankeens.....	14750	5149
Twist, yarn, and thread.....	11175	12570
All other manufactures of.....	137368	28873
Flax and hemp.		
Cloth and thread	11084	5335
Bags and all manufactures of....	5364	3365
Wearing apparel	94768	143253
Combs and buttons	33415	60957
Brushes.....	7334	6372
Billiard tables and apparatus.....	3191	2240
Umbrellas and parasols	49138	24703
Leather and morocco skins, not sold per pound	119545	81221
Fire engines and apparatus.....	2513	2384
Printing presses and type	33713	40199
Musical instruments.....	14844	10011
Books and maps	54012	46937
Paper and other stationary.....	37716	32026
Paints and varnish.....	29664	26229
Vinegar	8182	5884
Earthen and stone ware.....	6492	5595
Manufactures of glass	59307	51452
Tin.....	2967	5049
Pewter and lead.....	6183	5545
Marble and stone.....	3505	3122
Gold and silver, and gold leaf....	3605	7505
Gold and silver coin	1,043574	693037
Artificial flowers and jewelry.....	22357	18195
Molasses	1511	601
Trunks	12483	6004
Brick and lime	3365	4573
Articles not distinguished in returns.		
Manufactured.....	293379	247990
Raw produce.....	257021	233763
Total value of domestic exports	\$58,921691	\$50,669669

PUBLIC LANDS.

Table, showing the quantity in acres of land within the limits of the respective states and territories, distinguishing what part is held by the United States; also, the population of each state and territory in the years 1800, 1820, and as estimated for 1830.

STATE OR TERRITORY.	Whole quan- tity of land in each state or territory.	Quantity of land belong- ing to the U- nited States, June 30, 1828, to which the Indian title is extinguished.	Quantity of land belong- ing to the U. States in each state & terri- tory, to which the Indian title has not been extin- guished up to June 30, 1828
	Acres.		
Maine	20480000	none	
Massachusetts	4992000	do	
New Hampshire.....	5939200	do	
Vermont	6536000	do	
Rhode Island.....	870400	do	
Connecticut	2991360	do	
New York	29440000	do	
New Jersey	4416000	do	
Pennsylvania	28280000	do	
Delaware	1323520	do	
Maryland	6912000	do	
District of Columbia.....	64000	do	
Virginia.....	40960000	do	
North Carolina	28032000	do	
South Carolina.....	19251200	do	
Georgia.....	37120000	do	
	237607680		
Kentucky	24960000	none	
Tennessee.....	26432000	3000000	
Mississippi	31074234	11514517	16885760
Indiana	22459669	12308455	5335632
Ohio	24810246	4984348	409501
Louisiana	31463040	25364197	none
Illinois.....	35941902	23575300	6424640
Michigan peninsula.....	24939870	16393420	7378400
Arkansas do	28899520	26770941	none
Missouri	39119019	35263541	none
Florida peninsula.....	35286760	29729300	4032640
Alabama	34001226	19769679	9519066
	597195166	205672698	49985639
Huron territory*	56804834		56804834
Great western territory†	750000000		750000000
	1404000000		856790473
Add quantity to which the Indian title is extinguished			205672698
Total acres belonging to the United States			1062463171

* Territory of Huron, lying W. of lake Michigan, and E. of the Mississippi river.

† Great western territory extending from the Mississippi river to the western ocean.

POPULATION OF THE U. STATES.

STATE OR TERRITORY.	Actual in 1800.	Actual in 1820.	estimated for 1830.
Maine.....	151719	298335	420000
Massachusetts	422845	523237	580000
N. Hampshire	183858	244161	300000
Vermont.....	154465	235764	280000
Rhode Island	69122	83059	90000
Connecticut..	151002	275248	290000
New York...	586150	1372812	2000000
New Jersey..	211149	277575	330000
Pennsylvania	602548	1049458	1390000
Delaware....	64273	72741	80000
Maryland....	349692	407350	450000
Dist. Columbia	14093	33039	50000
Virginia.....	886149	1065366	1180000
N. Carolina..	478103	638829	720000
S. Carolina...	345591	502741	600000
Georgia.....	162686	340989	410000
Kentucky....	220959	564317	650000
Tennessee...	105602	242643	600000
Mississippi...	8850	75448	130000
Indiana.....	5640	147178	400000
Ohio.....	45365	581434	1000000
Louisiana....		153407	300000
Illinois.....		55211	130000
Mich. peninsu.		8896	35000
Arkansas do.		14246	35000
Missouri.....		66586	130000
Florida penin.			40000
Alabama.....		127901	380000
	5319762	9637999	13000000

OHIO.

Table showing the quantity of United States' lands in the State of Ohio, and the manner of its appropriation.

The whole number of acres within the limits of the state of Ohio, to which the Indian title *has been* extinguished, is 24,400745

The whole number of acres to which the Indian title *has not* been extinguished 409501

24,810246

Disposed of as follows:

To satisfy Virginia military land warrants 3,709484

United States' military (revolutionary) 1,461666

Reserve made by Connecticut 3,267910

Given to the state of Ohio and individuals, prior to 1823 277897

Do to do by acts of congress in 1828 972960

Do to do by act of con-

gress, for schools, being the one thirty-sixth part of the whole land to which the Indian title is extinguished 677465

Sales made to the 30th June, 1828 9,025335

Saline reservations 23680

To which the Indian title has not been extinguished 409501

Balance of land in Ohio remaining unsold on the 30th June, 1828 4,984348

24,810246

INDIANA.

Table showing the quantity of United States' land in the State of Indiana, and the manner of its appropriation.

The whole number of acres within the limits of the state of Indiana, to which the Indian title *has been* extinguished 17,124037

The whole number of acres to which the Indian title *has not* been extinguished 5,335632

22,459669

Disposed of as follows:

Allowed on private claims 277274

Donation to Canadian volunteers 64640

Given to the state of Indiana and individuals, prior to 1823 48640

Do to do by act of March, 1827 384000

Do to do by act of congress for schools, being one thirty-sixth part of the whole land to which the Indian title is extinguished 475668

Sales made to the 30th June, 1828 3,542320

Saline reservations 23040

To which the Indian title has not been extinguished 5,335632

Balance of land in Indiana remaining unsold on the 30th June 1828 12,308455

22,459669

ILLINOIS.

Table showing the quantity of United States' land in the State of Illinois, and the manner of its appropriation.

The whole number of acres within the limits of the state of Illinois, to which the Indian title *has been* extinguished, is 29,517262

The whole number of acres to which the Indian title *has not* been extinguished 6,424640

35,941902

Disposed of as follows:

Allowed on private claims 179904

United States' military, (late

war)	2,878560
Given to the state of Illinois and individuals, prior to 1827	50560
Do to do by Congress in March, 1827	480000
Do to do by act of congress for schools, being the one thirty-sixth part of all the land to which the Indian title is extinguished	819924
Sales made to 30th June, 1823	1,326885
Saline reservations	206129
To which the Indian title has not been extinguished	6,424640
Balance of land in Illinois remaining unsold on 30th June, 1823, excluding 84,500 acres of salines owned by the United States	23,575300
	<hr/> 35,941902

MICHIGAN TERRITORY.

Table showing the quantity of United States' land in the territory of Michigan, and the manner of its appropriation.

The whole number of acres within the limits of the territory of Michigan, to which the Indian title has been extinguished, is	17,561470
The whole number of acres to which the Indian title has not been extinguished	7,378400
	<hr/> 24,939870

Disposed of as follows:

Allowed to private claims	217291
Given to the territory and individuals	56080
Do to do one thirty-sixth part of all the lands, for use of common schools	437819
Sales made to 30th June, 1823	406860
To which the Indian title has not been extinguished	7,378400
Balance of land in Michigan territory remaining unsold on the 30th June, 1823	16,393420
	<hr/> 24,939870

MISSISSIPPI.

Table showing the quantity of United States' land in the State of Mississippi, and the manner of its appropriation.

The whole number of acres within the limits of the state of Mississippi, to which the Indian title has been extinguished	14,188454
The whole number of acres to which the Indian title has not been extinguished	16,885780
	<hr/> 31,074234

Disposed of as follows:

Allowed on private claims	581884
Given to Indians, 20th Jan. 1825	2560
Given to the state of Mississippi for seat of government	1280
Do to do for seminary of learning	46080
Do to do for schools, being the one thirty-sixth part of the whole land to which the Indian title has been extinguished	394124
Do to do for Indian schools	34560
Sales made to 30th June, 1823, to which the Indian title has not been extinguished	16,13449
Balance of land in Mississippi remaining unsold on the 30th June, 1823	16,885780
	<hr/> 11,514517
	<hr/> 31,074234

ALABAMA.

Table showing the quantity of United States' land in the State of Alabama, and the manner of its appropriation.

The whole number of acres within the limits of the state of Alabama, to which the Indian title has been extinguished	24,482160
The whole number of acres to which the Indian title has not been extinguished	9,519066
	<hr/> 34,001226

Disposed of as follows:

Allowed to satisfy private claims	71139
Given to individuals and companies by congress	116596
Given to the state, in 1819, for seminary of learning	46080
Do to do in 1819 and 1827	2900
Do to do by act of congress in 1823	400000
Do to do the one thirty-sixth part of all lands in the state, for common schools	680060
Salines reserved for the state	23040
Sales made to the 30th June, 1823	3,242586
Reservations and selections by Indians	110080
To which the Indian title has not been extinguished	9,519066
Balance of land in Alabama remaining unsold on the 30th June, 1823	17,789679
	<hr/> 34,001226

LOUISIANA.

Table showing the quantity of United States' land in the State of Louisiana, and the manner of its appropriation.

The whole number of acres, within the limits of the state of Louisiana, the Indian title being extinguished to the whole

31,463040

Disposed of as follows :

To satisfy private claims under the French, English, and Spanish governments, estimated not to exceed

5,000000

Given to the state of Louisiana for a seminary of learning, by act of congress

46080

Do to do by act of congress, for schools, one thirty-sixth of the whole land

873982

Sales made to 30th June, 1828

178781

Balance of land remaining unsold 30th June, 1828

25,364197

31,463040

MISSOURI.

Table showing the quantity of United States' land in the State of Missouri, and the manner of its appropriation.

The whole quantity of land in the state of Missouri has been ceded by the Indians, and is, in acres

39,119019

Disposed of as follows :

Allowed on private claims

966087

United States' military (late war) located

4,68960

To Kanza Indians

23040

Given to the state of Missouri and individuals

48530

Given to the state of Missouri by act of congress, for schools, being the one thirty-sixth part of the land

1,086639

Sales made to 30th June, 1828

1,216142

Saline reservations

46080

Balance of land in Missouri remaining unsold on the 30th June, 1828

35,263541

39,119019

TERRITORY OF ARKANSAS.

Table showing the quantity of United States' land in the territory of Arkansas, and the manner of its appropriation.

The whole number of acres within the limits of the territory of Arkansas to which the Indian tribe has been

extinguished as originally bounded, is

33,661120

Deduct a quantity of acres lying west of the boundary, as established by the act of 6th May, 1828

4,761600

28,899520

Disposed of as follows :

Allowed to satisfy claims under Spanish and French grants

59682

Allowed for locating military warrants (late war)

1,162880

Given for seminary of learning

46080

Reserved to be given to Arkansas for common schools, one thirty-sixth part of the whole

802767

Sales made to June 30, 1828

57170

Balance of land remaining unsold on the 30th June, 1828

26,777941

28,899520

TERRITORY OF FLORIDA.

Table showing the quantity of United States' land in the territory of Florida, and the manner of its appropriation.

The whole number of acres of land within the limits of the territory of Florida, to which the Indian title has been extinguished, estimated at

31,254120

The whole number of acres to which the Indian title has not been extinguished

4,032640

35,286760

Disposed of as follows :

Allowed to private claims

297167

Given to Lafayette

23028

to deaf and dumb

23040

to an academy

46080

to Tallahase

640

to Hambly and Doyle

1280

to Florida, one thirty-sixth part of the whole lands, for use

of schools

868170

Sale made to the 30th June, 1828

266415

To which the Indian title has not been extinguished

4,032640

Balance of land in the territory of Florida remaining unsold on the 30th June, 1828

29,728300

35,286759

STATISTICS OF THE WORLD,

Compiled from Balbi's "*Balance politique du Globe.*"

STATES AND TITLES.		Surface in Geog. sq. Miles.	Popula- tion.	Reigning Sovereign, or Head of Government.
EUROPE.				
Surface 2,793,000 geographical sq. miles. Population 227,700,000 inhabitants.				
CENTRAL STATES.				
1	French monarchy	154,000	32,000,000	Charles X., 1824 . .
	Total of French monarchy . .	188,000	32,554,000	
2	Austrian empire	194,500	32,000,000	Francis I., 1792 . .
3	Prussian monarchy	80,450	12,464,000	Frederic William III., 1797
4	Monarchy of the Netherlands .	19,000	6,143,000	William I., 1815 (Stadt- holder 1806)
	Total of the monarchy of the Ne- therlands	252,000	15,562,000	
5	Swiss confederation	11,200	1,980,000	Junker David Wyss Landman
6	Kingdom of Bavaria	22,120	3,960,000	Louis I., 1825 . .
7	Kingdom of Wirtemberg	5,720	1,520,000	William I., 1816 . .
8	Kingdom of Hanover	11,125	1,550,000	George IV., 1820 . .
9	Kingdom of Saxony	4,341	1,400,000	Anthony, 1827 . . .
10	Grand Duchy of Baden	4,480	1,130,000	Louis, 1808
11	Grand Duchy of Hesse	2,826	700,000	Louis I., 1790 . . .
12	Electorate of Hesse	3,344	592,000	William II., 1821 . .
13	Grand Duchy of Saxe Weimar .	1,070	222,000	Charles Frederic, 1828
14	Do. of Mecklenberg-Schwerin .	3,582	431,000	Francis, 1785 . . .
15	Do. of Mecklenberg-Strelitz .	578	77,000	George, 1816 . . .
16	Do. of Holstein-Oldenburgh .	1,880	241,000	Peter, 1823
17	Duchy of Nassau	1,446	337,000	William, 1816 . . .
18	Duchy of Brunswick	1,126	242,000	Charles, 1815 . . .
19	Duchy of Saxe-Cobourg-Gotha .	731	143,000	Ernest, 1826 . . .
20	Duchy of Saxe Meiningen . . .	691	130,000	Bernard, 1803 . . .
21	Duchy of Saxe Altenburgh . .	397	104,000	Frederic, 1790 . . .
22	Duchy of Anhalt-Dessau . . .	261	56,000	Leopold, 1817 . . .
23	Dnchy of Anhalt-Berneburgh .	253	38,000	Alexis, 1796
24	Duchy of Anhalt-Koethen . . .	240	34,000	Ferdinand, 1818 . .
25	Prin. of Schwarz-Rudolstadt .	306	57,000	Gunther Frederic, 1807
26	Do. of Schwarz.-Sondershausen .	270	48,000	Gunther Fred. Charles, 1794
27	Principality of Reuss-Greiz . .	109	23,000	Henry XIX., 1817 . .
28	Principality of Reuss-Schleitz .	156	28,000	Henry LXII., 1818 . .
29	Pr. of Reuss Lobenst-Ebersdorf .	182	26,000	Henry LXXII., 1822
30	Prin. of Lippe-Detmold	330	72,000	Leopold, 1802 . . .
31	Prin. of Lippe-Schauenburg . .	157	26,000	George William, 1787
32	Principality of Waldeck	347	54,000	George, 1813 . . .
33	Do. Hohenzollern Sigmaringen .	293	38,000	Anthony, 1785 . . .
34	Pr. of Hohenzollern Hechingen .	82	15,000	Frederic, 1810 . . .
35	Principality of Liechtenstein .	40	6,000	John, 1805
36	Landgrave of Hesse Homburgh .	125	20,000	Frederic, 1820 . . .
37	Republic of Francfort	69	52,000	De Malapert (Burgo- master)
38	Republic of Bremen	51	49,000	Grœning, Schmidt, Now- nen, & Dantze, (Burg.)
39	Republic of Hamburg	114	148,000	Amsink, Heise, Bartels, and Koch, (Burgo.)
40	Republic of Lubeck	88	41,000	Beneke, Kindler, Boeg, and Evers, (Burgo.)
41	Lordship of Kniphausen	13	2,859	Wm. Gusta. Fred. 1825

NOTE.—The mile used in the above table is the geographical square mile, which is one fourth larger than the English square mile.—This mark ? whenever used, denotes that the information is considered questionable, or that it could not be obtained.

Capital Cities, with Their Population.	Principal Religious Denominations.	Revenue, £ sterling.	Debt, £ sterling.	Armies.	Ships.
Paris, 890,000	Catholic, Calvinist	39,560,000	184,960,000	231,560	323* 1
Vienna, 300,000	Catholic, Greek, Calvinist, Lutheran	14,000,000	58,400,000	271,400	72† 2
Berlin, 220,000	Protestant, (Lutheran, Calvinist,) Catholic	8,600,000	29,067,200	162,600	1 3
Amsterdam, 201,000	Catholic, Calvinist, Lutheran	6,473,440	152,000,000	43,300	867‡ 4
Zurich, 10,000	Calvinist, Catholic	400,000	?	33,760	5
Munich, 70,000	Catholic, Protestant	3,164,000	9,568,000	35,800	6
Stuttgart, 32,000	Lutheran, Catholic	950,440	2,600,000	13,950	7
Hanover, 28,000	Lutheran, Catholic	1,040,000	2,560,000	13,050	8
Dresden, 70,000	Lutheran	1,120,000	2,800,000	12,000	9
Karlsruhe, 19,000	Catholic, Lutheran	814,120	1,560,000	10,000	10
Darmstadt, 20,000	Lutheran, Cath. Calv.	628,560	1,080,000	6,190	11
Cassel, 26,000	Protestant, Catholic	620,000	263,200	5,680	12
Weimar, 10,000	Lutheran	196,520	651,640	2,100	13
Schwerin, 12,000	Lutheran	240,000	980,000	3,590	14
N. Strelitz, 5,000	Lutheran	52,000	120,000	720	15
Oldenburgh, 6,000	Lutheran, Catholic	155,160	1,650	1,650	16
Wiesbaden, 7,000	Protestant, Catholic	240,000	432,000	3,000	17
Brunswick, 36,000	Lutheran	252,000	320,000	2,100	18
Gotha, 11,000	Lutheran	98,280	280,000	1,400	19
Meiningen, 5,000	Lutheran	77,560	80,000	1,270	20
Altenburgh, 10,000	Lutheran	61,040	100,000	1,030	21
Dessau, 10,000	Calvinist, Lutheran	73,440	82,760	530	22
Berneburgh, 5,000	Calvinist, Lutheran	46,560	82,760	370	23
Koethen, 6,000	Calvinist, Lutheran	33,080	124,120	320	24
Rudolstadt, 3,000	Lutheran	33,600	37,760	540	25
Sondershausen, 3,000	Lutheran	20,680	12,260	450	26
Greitz, 6,000	Lutheran	14,480	20,680	200	27
Schleitz, 5,000	Lutheran	13,440	?	280	28
Ebersdorf, 1,000	Lutheran	24,840	72,400?	260	29
Detmold, 2,000	Calvinist	50,680	72,400	690	30
Buckeberg, 2,000	Lutheran	22,240	41,360	240	31
Corbach, 2,000	Lutheran	41,360	124,120	520	32
Sigmaringen, 800	Catholic	31,040	155,160?	320	33
Hechingen, 3,000	Catholic	12,400	51,720	150	34
Liechtenstein, 700	Catholic	140,000	312,000	55	35
Hornburgh, 3,000	Calvinist, Lutheran	18,600	46,560	200	36
Francfort, 48,000	Lutheran	78,600	827,440	470	37
Bremen, 38,000	Lutheran, Calvinist	41,360	312,000	380	38
Hamburgh, 112,000	Lutheran	224,000	1,880,000	1,300	39
Lubeck, 22,000	Lutheran	41,360	360,000	400	40
Kniphausen, 100	Lutheran	15,520	?	28	41

* Of this number, 59 are ships of the line, 51 frigates, and 213 inferior vessels.

† 3 ships of the line, 8 frigates, and 61 inferior vessels.

‡ 18 ships of the line, 20 frigates, and 50 inferior vessels.

STATES AND TITLES.		Surface in Geogra. Sq. Miles.	Population.	Reigning Sovereign, or Head of Government.
WESTERN DIVISION.	<i>SOUTHERN STATES.</i>			
	42 Republic of Andora (Spain)	144	15,000	Magis. of the Repub.
	43 Republic of San Marino	17	7,000	2 Quarterly Chiefs
	44 Duchy of Massa	71	29,000	Maria Beatrice, 1814
	45 Duchy of Modena	1,500	350,000	Francis IV., 1814
	46 Principality of Monaco	38	6,500	Honorius, 1819
	47 Duchy of Lucca	312	143,000	Charles, 1824
	48 Duchy of Parma	1,660	440,000	Maria Louisa, 1814
	49 Grand Duchy of Tuscany	6,324	1,275,000	Leopold II., 1824
	50 Kingdom of Sardinia	21,000	4,300,000	Felix, 1821
	51 State of the Church	13,000	2,590,000	Leo XII., 1823
	52 Kingdom of the Two Sicilies	31,800	7,420,000	Francis I., 1825
	53 Spanish Monarchy	137,400	13,900,000	Ferdinand VII., 1808
	Total of the Spanish Monarchy	214,400	17,988,000	
EASTERN DIVISION.	54 Portuguese Monarchy	29,150	3,530,000	Miguel, 1828
	Total of the Portuguese Monarchy	430,000	5,607,000	
	<i>NORTHERN STATES.</i>			
	55 Monarchy of Sweden and Norway	223,000	3,866,000	Charles XIV., 1818
	56 Danish Monarchy	16,000	1,950,500	Frederic VI., 1808
	Total of the Danish Monarchy	341,000	2,125,000	
	57 British Monarchy	90,948	23,400,000	George IV., 1820
	Total of the British Monarchy	4,557,598	140,450,000	
	58 Russian Empire	1,499,000	52,625,000	Nicholas I., 1826
	Kingdom of Poland	36,700	3,900,000	
	Total of the Russian Empire	5,912,000	60,000,000	[Wodxicky, 1824
	59 Republic of Cracow	373	114,000	Count Stanislaus, of
	60 Ottoman Empire	155,000	9,500,000	Mahmoud II., 1808
	Total of the Ottoman Empire	1,078,000	25,000,000	
	61 Republic of the Ionian Isles	754	176,000	Prince Anthony Co- muto (President)
<i>ASIA.</i>				
Surface 12,118,000 Geog. sq. miles. Po- pulation 390,000,000 inhabitants. ?				
62	Chinese empire	4,070,000	170,000,000	Tao Kouang, 1820
63	Empire of Japan	180,000	25,000,000	Bounoaw, 1804
64	Empire of An-nam	270,000?	14,000,000	Minh Mea, 1820
65	Kingdom of Siam	124,000?	3,000,000	Kroma Chiat, 1824
66	Birman empire	140,000	3,500,000	Madou Tchen, 1818
67	British Indian empire	849,650	114,430,000	
	East India Company's Territory	349,000	80,800,000	Lord Wm. Bentinck,
	East India Company's Dependencies	485,000	32,800,000	1827, Gov. Gen.
	Island of Ceylon	15,650	830,000	
68	Kingdom of Sindia	29,760	4,000,000	Djunkadji Rao, 1827
69	Kingdom of Nepaul	40,000	2,500,000	Bickram Djah, 1816
70	Confederation of the Sikhs	66,000	5,500,000	Son of Runjit Sin. 1827
71	Triumvirate of Sindhy	40,000	1,000,000	Son of Mir Gholaum
72	Kingdom of Cabaul	172,000	6,500,000	Ali, 1812
73	Confederation of the Beloutchis	110,000?	2,000,000	Mahomet, 1795
74	Kingdom of Herat (Eastern Korassan)	50,000?	1,500,000	
75	Kingdom of Persia,	350,000	9,000,000	Feth Ali Schah, 1796
76	Khanate of Boukhara	173,000	2,500,000	Mir Batyr, 1827
77	Khanate of Khiva	145,000	800,000	Rhaman Kouli Khan,
78	Khanate of Khokan	100,000?	1,000,000?	Emir Khan [1826
79	Imanate of Yemen	40,000?	2,500,000?	
80	Imanate of Mascate	39,000?	1,600,000?	Bidou Ebn Saaf, 1808
81	Ottoman Asia	556,000	12,500,000	
82	Russian Asia	4,006,000	3,445,000	
83	Portuguese Asia	3,700	500,000	
84	French Asia	400	179,000	

* 10 ships of the line, 16 frigates, 30 inferior.

† 12 ships, 13 frigates, 60 inferior.

† 4 ships of the line, 6 do. 37 do.

§ 4 do. 7 do. 18 do.

STATISTICS OF THE WORLD.

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Capital Cities, with Their Population.	Principal Religious Denominations.	Revenue, £ sterling.	Debt, £ sterling.	Armies.	Ships.
Andora, 2,000	Catholic	?	?	?	42
San Marino, 4,000	Catholic	2,800	?	40	43
Massa, 7,000	Catholic	20,000	} 60,000?	100	44
Modena, 27,000	Catholic	140,000		1,680	45
Monaco, 1,000	Catholic	16,000	?	?	46
Lucca, 22,000	Catholic	76,000	?	800	47
Parma, 30,000	Catholic	184,000	180,000	1,320	48
Florence, 80,000	Catholic	680,000		4,000	49
Turin, 114,000	Catholic	2,600,000	4,000,000?	26,000	10 50
Rome, 154,000	Catholic	1,200,000	24,000,000?	6,000	8? 51
Naples, 364,000	Catholic	3,360,000	20,000,000?	30,000	27? 52
Madrid, 201,000	Catholic	4,320,000?	160,000,000	50,000	56* 53
Lisbon, 260,000	Catholic	2,163,840	6,400,000	26,630	47† 54
Stockholm, 78,000	Lutheran	1,680,000	8,000,000	45,200	85† 55
Copenhagen 109,000	Lutheran	1,600,000	10,800,000	38,820	29§ 56
London, 1,350,000	Protes ^t , Episcopalian,	62,306,214	777,475,892	102,280	606 57
[(a)	Pres., Catholic				
St. Petersburg,	Greek, Catholic, Luth-	16,000,000	52,000,000	1,039,000	130† 58
[320,000?	eran, Mahometan				
Cracow, 25,000	Catholic	34,440	?	80	59
Constantinople,	Greek, Mahometan	10,000,000	4,000,000	278,000	285** 60
[600,000?					
Corfu, 14,000	Greek	146,240	?	1,200	? 61
Pekin, 1,300,000?	{ Budhists, discip. of }	30,000,000?	{	914,000	{ ? } 62
	{ Confucius, &c. }			1500000w	{ ? }
Jeddo, 1,300,000?	Lintorist, Budhist	12,000,000		120,000	? 63
Phuxuan, 100,000?	Budhist	3,600,000		80,000	150? 64
Banckock, 90,000?	Budhist	1,600,000?		80,000w	? 65
New Ava, 50,000?	Budhist	1,800,000?		150,000w	? 66
Calcutta, 500,000?	Brah., Mah., Nanckist	21,089,440	30,000,000?	120,000	18 67
Ougcin, 100,000?	Brahman, Mahometan	1,040,000		20,000	68
Katmandou, 12,000?	Brahm. Boud., Lam.	520,000		17,000	69
Amretsir, 40,000	Nanckist, Brah., Mah.	2,000,000		250,000w	70
Heider Abad, 15,000	Mahometan, Brahman	520,000		50,000w	71
Cabaul, 80,000	Mahometan, Brahman	1,800,000		150,000w	72
Kelat, 20,000	Mahometan	40,000		150,000w	73
Herat, 100,000	Mahometan	320,000?		8,000	74
Teheran, 150,000	Mahometan	3,200,000		80,000	75
Boukhara, 80,000?	Mahometan	480,000		25,000	76
Khiva, 10,000	Mahometan	?		100,000w	77
Khokhan, 60,000?	Mahometan	?		100,000w	78
Szanna, 20,000	Mahometan	480,000?		5,000?	79
Mascate, 60,000	Mahometan	160,000?		1,000	34 80
Koutahich, 50,000	Mah., Armenian, Greek				81
Topolsk, 25,000	Greek, Mah., Fetichist				82
Goa, 18,000	Catholic				83
Pondicherry, 40,000	Brahman, Catholic				84

|| 165 ships, 117 frigates, 324 inferior. † 50 do. 30 do. 50 do. ** Before the Battle of Navarino.

(a) This is an estimated increase upon the returns of 1821.

STATES AND TITLES.	Surface in Geogra. Sq. Miles.	Population.	Reigning Sovereign, or Head of Government.
AFRICA.			
Surface 8,516,000 Geographical sq. miles.			
Population 60,000,000 inhabitants. ?			[1822
85 Empire of Morocco	130,000	4,500,000	Mulei Abderrahman,
86 Algiers	70,000	1,500,000	Houssan, 1819
87 State of Tunis	40,000	1,800,000	Sidi Hassan, 1824
88 State of Tripoli	208,000	660,000	Yousof, 1795
89 Kingdom of Tigre	130,000	1,500,000?	
90 Kingdom of Amharra	48,000?	1,000,000?	
91 Empire of Bornou	100,000?	2,000,000?	Schumin el Kanemy
92 Empire of the Felatahs	120,000?	3,000,000?	Bello
93 Kingdom of Upper Bambara	50,000?	1,500,000?	
94 Republic of Fouta Toro	15,000?	700,000?	
95 Empire of Ashantee	100,000?	3,000,000?	
96 Kingdom of Dahomey	40,000?	900,000?	
97 Kingdom of Benin	63,000?	1,500,000?	
98 Kingdom of Changamera	70,000?	840,000?	Changamera
99 Kingdom of Madagascar	100,000?	2,000,000?	Radama
100 Ottoman Africa	367,000	3,000,000	Mahomet-Aly, 1805
101 Portuguese Africa	389,000	1,440,000	
102 English Africa	91,000	270,000	
103 Spanish Africa	2,430	208,000	
104 French Africa	3,000?	135,000	
AMERICA, or the New World.			
Surface 11,046,000 Geographic. sq. miles.			
Population 39,000,000 inhabitants.			
105 Empire of Brazil	2,313,000	5,000,000	Don Pedro, 1822
106 United States of North America	1,570,000	11,600,000	John Quincy Adams, 1828, President
107 United States of Mexico	1,242,000	7,500,000	Gua. Victoria, 1825, P.
108 United States of Central America	139,000	1,650,000	D.M. Jose Arce, 1825, P.
109 Republic of Colombia	828,000	2,800,000	Simon Bolivar, 1826, P.
110 Republic of Peru	373,000	1,700,000	Jose de Lamar, 1827, P.
111 Republic of Bolivia	310,000?	1,300,000	Antonio Jose de Sucre, 1825, Pres. [V. P.
112 Republic of Chili	129,000	1,400,000	Fran. Ant. Pinto, 1827,
113 United States of Rio de la Plata	683,000	700,000	Juan Lavalle, 1828, Gr
114 Republic of Hayti	22,100	950,000	Boyer, 1820, Pres.
115 Directorate of Paraguay	67,000	250,000?	Francia, 1809, Directr
116 English America	1,930,000?	2,290,000	
117 Spanish America	35,400	1,240,000	
118 French America	30,000?	240,000	
119 Danish America	324,000?	110,000	
120 American Netherlands	30,000?	114,000	
121 Russian America	370,000?	50,000	
AUSTRALASIA.			
Surface 3,100,000 Geographic. sq. miles.			
Population 20,300,000 inhabitants.			
122 Kingdom of Siak (Sumatra)	20,000?	600,000?	
123 Kingdom of Acheen, (Sumatra)	16,600?	500,000?	
124 Kingdom of Borneo	20,000?	260,000?	
125 Kingdom of Solou	11,000?	300,000?	
126 Kingdom of Mindanao	12,000?	360,000?	
127 Kingdom of Sandwich Islands	5,100	130,000	Kaukianti, 1824
128 Java, Sumatra, &c. (Dutch)	203,000	9,360,000	
129 Philippine Islands, &c. (Spanish)	39,000	2,640,000	
130 Australia, or New Holland	1,496,000	60,000	
131 Island of Timor, (part of,) Portuguese	8,000	137,000	

STATISTICS OF THE WORLD.

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Capital Cities, with Their Population.	Principal Religious Denominations.	Revenue, £ sterling.	Debt, £ sterling.	Armies.	Ships.
Mequinez, 70,000	Mahometan	880,000	.	36,000	15 85
Algiers, 50,000	Mahometan	160,000	.	20,000	25 86
Tunis, 100,000	Mahometan	280,000	.	6,000	18 87
Tripoli, 15,000	Mahometan	80,000	.	4,000	17 83
Chelicut, 8,000?	Copt	.	.	48,000	89
Gondar, 40,000?	Copt	.	.	25,000	90
Bornou, 30,000	Fetichist, Mahometan	.	.	70,000	91
Sakkatou, 80,000?	Fetichist, Mahometan	.	.	100,000	92
Sego, 30,000	Mahometan, Fetichist	.	.	.	93
Tijloga?, 4,000?	Mahometan, Fetichist	.	.	.	94
Coumassie, 15,000	Fetichist	.	.	100,000	95
Abomey, 24,000	Fetichist	.	.	30,000	96
Benin, 60,000?	Fetichist	.	.	50,000	97
Zimbaboe	Fetichist	.	.	30,000	98
Emirne, 30,000	Fetichist, Mahometan	.	.	30,000	99
Cairo, 260,000	Mahometan	.	.	.	100
St. Paul de Loanda	Fetichist, Catholic	.	.	.	101
The Cape, 18,000	Calvinist, Cath., Ch. of England, Fetichist	.	.	.	102
Ceuta, 7,000	Catholic	.	.	.	103
Fort St. Louis, 10,000	Mahometan, Catholic	.	.	.	104
[140,000?					
Rio de Janiero	Catholic	2,500,000	9,320,000	30,000	101 105
Washington, 15,000	Congregational, Presb., Ep., Lu., Cath., Meth.	5,539,600	15,836,000	5,779	38* 106
Mexico, 180,000	Catholic	2,950,280	20,340,000	22,750	16 107
New Guatem. 40,000	Catholic	400,000	380,000	3,500	2 108
Bogota, 30,000	Catholic	1,712,000	9,160,000	32,370	17 109
Lima, 80,000	Catholic	1,200,000	5,899,520	7,500	7 110
La Plata, 25,000?	Catholic	440,000	640,000	?	111
Santiago, 50,000	Catholic	600,000	6,440,000	8,000	6 112
Buenos Ayres, 80,000	Catholic	600,000	5,360,000	10,000	16 113
Port-au-Prin. 30,000	Catholic	1,200,000	6,000,000	45,000	6 114
Assumption, 12,000?	Catholic	200,000	.	5,000	2 115
Quebec, 22,000	Ch. of Eng., Cal., Cath.	.	.	.	116
Havana, 130,000	Catholic	.	.	.	117
Fort-Royal, 9,000	Catholic	.	.	.	118
Reikiavik, 500	Lutheran	.	.	.	119
Paramaribo, 20,000	Calvinist	.	.	.	120
St. Paul, 600	Fetichist	.	.	.	121
Siak, 8,000? [15,000?	Mahometan	.	.	.	122
Telosancaouay	Mahometan	.	.	.	123
Borneo, 15,000?	Mahometan	.	.	.	124
Bevan, 6,000	Mahometan	.	.	.	125
Selangan, 10,000	Mahometan	.	.	.	126
Hanarura, 6,000?	Fetichist, Methodist	.	.	.	11? 127
Batavia, 46,000	Mahometan	.	.	.	128
Manilla, 140,000	Catholic, Mahometan	.	.	.	129
Sydney, 10,000	Ch. of En., Pres., Cath.	.	.	.	130
Dille, 2,000	Catholic, Fetichist	.	.	.	131

(a) Washington is the seat of government of the United States, and is therefore the nominal capital. The capitals of several of the individual states are superior in population and importance.

* 7 ships of the line, 12 frigates, 19 inferior.

TABLE OF THE EXPORTS AND IMPORTS, Price of Stocks, Price of Wheat, Rate of Wages, Amount of Taxes, Parochial Assessments, and Commitals for Crime, in Great Britain, from 1808 to 1828.

Years.	Value of British Pro- duce and Manufactures Exported.		Declared Value which the Official Value should have	Annual Aggregate Deprecia- tion in Value.	Rate of Depreciation per cent.	Annual Average Rate at which the Commit- menters purchased 3 per cent Stock.	Appreciation per cent in the Money Value of 3 per cent Stock.	Annual average price wheat.		Rates of Wages for Weav- ing twelve yards of the 60 Reed, 6-1/2 lbs Cambrics.	Actual amount of Taxes in Great Britain.	Amount of Parochial Asses- ments in England & Wales.	Official Value of Colonial & Foreign Produce Imported for Home Consumption.	Estimated Value of Grain Home Consumption.	Number of Commitals for Crime.
	Official.	De- clared.						s.	d.	s.	d.	s.	s.	s.	s.
1809	35,107,439	50,242,761	50,156,950	8,914,683	28 68	1 8		94	5	9	0 63,879,882		18,575,261	1,500,000	5350
1810	34,940,550	49,975,634	48,875,740	8,900,106	28 67	16 3		103	3	10	0 67,825,597		30,185,245	6,000,000	5146
1811	24,109,931	34,917,281	40,625,864	5,508,583	24 63	12 3		103	5	6	0 65,309,125		20,351,624	800,000	5337
1812	31,243,362	43,657,864	52,645,982	8,988,018	28 58	18 8		122	8	8	0 64,752,120	8,610,842	16,598,984	800,000	6576
1813	32,000,000	43,000,000	54,000,000	11,000,000	34 58	15 9		106	6	7	0 68,302,860	8,368,974	17,000,000	1,500,000	7164
1814	33,200,580	43,447,372	55,943,845	12,496,173	18 14	13		72	1	13	0 70,240,312	7,457,676	13,462,952	2,000,000	6390
1815	41,712,002	49,653,245	70,285,814	20,632,569	49 58	13 9	12	63	8	6	0 61,531,412	6,937,425	16,113,619	500,000	7898
1816	34,774,520	40,328,940	58,595,975	18,267,035	52 62	1 2	19	76	2	4	0 62,634,711	8,128,418	12,933,255	650,000	9031
1817	39,235,397	40,337,118	66,112,670	25,775,562	65 76	16 0	46	94	0	4	0 52,372,403	9,320,440	19,647,049	4,000,000	13932
1818	41,963,527	45,128,250	70,709,640	21,228,600	61 78	1 5	48	83	8	5	0 53,959,512	8,932,185	24,983,998	6,000,000	13567
1819	32,923,575	34,248,493	55,476,091	21,228,600	72 71	19 3	37	72	3	4	0 53,291,508	8,719,655	19,775,664	3,400,000	14254
1820	38,718,036	35,568,670	63,724,380	28,155,710	75 68	12 0	31	65	10	4	0 55,063,693	8,411,893	20,992,765	2,500,000	13710
1821	40,194,893	35,825,082	67,729,446	31,903,364	80 74	15 5	42	54	5	5	0 55,520,073	7,761,141	19,122,084	450,000	13115
1822	43,536,490	36,176,897	72,500,192	36,323,295	84 79	15 0	52	43	3	4	0 55,255,620	6,898,153	20,189,879	150,000	12241
1823	43,144,466	34,691,124	71,811,076	37,119,952	86 80	5 10	53	51	9	3	0 52,948,542	6,898,630	26,002,265	75,000	12253
1824	48,030,037	37,573,918	79,942,782	42,368,864	83 94	3 6	80	62	0	4	0 53,270,028	6,972,323	26,111,303	650,000	13698
1825	46,468,282	38,083,773	77,343,345	39,259,572	84 90	0 8	71	66	6	3	0 52,919,280	6,966,156	33,434,283	3,000,000	14437
1826	40,332,104	30,847,638	67,128,866	36,284,215	90 79	8 8	52	56	11	2	0 50,536,512	7,784,351	26,000,811	2,100,000	16164
1827	51,276,448	36,396,339	85,344,643	48,948,307	95 84	12 10	61	53	0	2	0 50,336,110	7,715,055	33,661,500	4,200,000	17921
1828	52,029,151	36,152,799	86,597,447	50,444,048	97 85	14 0	63	60	5	2	0 52,418,055	33,467,873			16564

In 1815, Annuities were created to the amount of 3,083,621*l.*, equal to 102,787,334*l.* of 3 per cent Stock, for which only 52,381,786*l.* of Paper Money was received, being at the rate of only 52*l.* 7*s.* 2*d.* of Money received for every 100*l.* of Stock created.
No Annual consecutive Return of Parochial Assessment prior to 1812. In 1803, the Amount was 5,348,204*l.*; the Annual Average of the 2 years 1789-90, 2,167,758*l.*; for the year 1776, 1,720,316*l.*; and the annual average of the years 1749-50, 730,135*l.*

REVENUES, EXPENDITURES, FINANCE, TRADE, AND MANUFACTURES OF GREAT BRITAIN.

AN ACCOUNT of the ORDINARY REVENUES, and EXTRAORDINARY RESOURCES, constituting the Public Income of the UNITED KINGDOM OF GREAT BRITAIN and IRELAND, for the Year ended 5th January, 1828.

HEADS OF REVENUE.	Total Income including Balances.	Total Payments out of the Income in its progress to the Exchequer.	Payments into the Exchequer.
ORDINARY REVENUES.	£	£	£
Customs - - - - -	20,519,778	2,225,620	17,894,405
Excise - - - - -	20,995,324	1,513,780	18,438,707
Stamps - - - - -	7,298,894	191,557	6,811,226
Taxes, under the management of the Commissioners of Taxes - - - - -	5,186,874	1315,850	4,768,273
Post Office - - - - -	2,384,138	742,404	1,463,000
One Shilling in the Pound, and Sixpence in the Pound, on Pensions and Salaries, and Four Shillings in the Pound on Pensions - - -	66,960	1,447	62,409
Hackney Coaches, and Hawkers and Pedlars - - -	72,631	9,765	62,689
Crown Lands - - - - -	341,803	264,846	
Small branches of the King's hereditary Revenue - - -	12,973	3,214	4,973
Surplus Fees of regulated Public Offices - - -	65,995		65,995
Poundage Fees, Fells Fees, Casualties, Treasury Fees, and Hospital Fees - - - - -	9,896		9,896
Totals of Ordinary Revenues - - -	56,953,271	5,268,486	49,581,576
* * The gross Receipt has been collected at an Average of 6l. 15 9½ per 100l.			
OTHER RESOURCES.			
Money received from the East India Company, on account of retired Pay, Pensions, &c. of His Majesty's forces, arriving in the East Indies, per Act 4 Geo. IV., c. 71 - - - - -	60,000		60,000
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. III., c. 34, for the employment of the Poor - - - - -	272,877		272,877
Money received from the Trustees of Naval and Military Pensions - - - - -	4,245,000		4,245,000
On account of advances made by the Treasury, for improving Post Roads, for building Gaols, for the Police, for Public Works, employment of the Poor, &c. &c. - - - - -	172,983		172,983
Imprest Moneys, repaid by sundry Public Accountants, and other Moneys paid to the Public Money brought from the Civil List, on account of the Clerk of the Hanaper - - - - -	378,788		378,788
Repayment on account of Money advanced out of the Consolidated Fund, in the year 1825, for Silver Coinage - - - - -	2,500		2,500
From the Bank of England, on account of Unclaimed Dividends - - - - -	199,634		199,634
	19,158		19,158
	62,306,214	5,268,486	54,932,518

ABSTRACT of the NET PRODUCE of the REVENUE of GREAT BRITAIN, in the years ended on the 10th of October, 1827, and the 10th of October, 1828.

	1827.	1828.	Increase.	Decrease.
Customs - - - - -	16,403,142	16,358,170		44,972
Excise - - - - -	17,210,548	17,905,978	695,430	
Stamps - - - - -	6,349,576	6,575,318	225,742	
Post Office - - - - -	1,436,000	1,387,000		49,000
Taxes - - - - -	4,756,786	4,836,464	79,678	
Miscellaneous - - - - -	676,629	556,171		120,458
	46,832,631	47,619,101	1,000,850	(214,430)
Do deduct Decrease			214,430	
Increase on this Year			786,420	

AN ACCOUNT OF THE NET PUBLIC EXPENDITURE OF THE UNITED KINGDOM.

EXPENDITURE.		NET EXPENDITURE.	
		£. s. d.	£ s. d.
Dividends, Interest, and Management of the Public Funded Debt, (exclusive of 5,704,706L 13s 10d. issued to the Commissioners for the Reduction of the National Debt,) 4 quarters, to Oct. 10, 1827		27,366,601 7 0	
Interest on Exchequer Bills		873,246 12 3	28,239,847 19 3
Trustees for Naval and Mil. Pension Money, per Act 3 Geo. IV., c. 51		2,214,260 0 0	
Ditto Bank of England ditto, 4 Geo. IV., c. 22		585,740 0 0	2,800,000 0 0
Civil List, 4 Quars., to Jan. 5, 1828		1,057,000 0 0	
Pensions, ditto, to Oct. 10, 1827		365,908 15 11-2	
Salaries and Allowances, ditto		180,896 1 51-4	
Courts of Justice, ditto		148,047 8 71-4	
Mint, ditto		14,750 0 0	
Bounties, ditto		2,956 13 8	
Miscellaneous, ditto		245,459 9 11	
Ditto Ireland, ditto		303,199 19 0	
For the purchase of the Duke of Athol's Interest in the Public Revenues of the Isle of Man	134,200		
Advanced towards rebuilding London Bridge, per Act 7 Geo. IV. c. 40	120,000	254,200 0 0	2,472,418 7 9
Army		7,876,682 8 21-2	
Navy		6,414,727 4 0	
Ordinance		1,914,403 0 0	
Miscellaneous		2,863,247 19 5	19,069,060 11 71-2
Lottery Prizes		193,044 0 0	
Bank of England for Discounting and Management in the Funding of 8,000,000L. Exchequer Bills		36,267 1 3	229,311 1 3
By the Commis. for issuing Exchequer Bills, per Act 3 Geo IV., c. 86, for the Employment of the Poor		551,900 0 0	52,810,637 19 101-2
Advances out of the Consolidated Fund in Ireland, for Public Works		437,753 19 9	989,653 19 9
			53,800,291 19 71-2
Surplus of Income over Expenditure			1,132,226 14 21-2
			54,932,518 13 10

SUMS PAID FOR INTEREST ON EXCHEQUER BILLS.

	Payment for one Year, to 5th Jan. 1828.	Estimated charge upon Consolidated Fund for one year, to 5th Jan. 1828.
	£ s. d.	£ s. d.
Interest on Exchequer Bills issued upon the credit of Consolidated Fund	71,060 7 4	72,510 2 1
Interest on Exchequer Bills issued upon the credit of Duties on Sugar, &c.	29,369 15 11	
Interest on Exchequer Bills issued upon the credit of the Aids, 1827	772,816 9 0	
	873,246 12 3	72,510 2 1

NET PRODUCE of CUSTOMS in GREAT BRITAIN.

<i>List of Articles.</i>		Net Produce.	
Duties inwards		£16,914,657	19 11½
" outwards		118,085	17 5½
" coastways		822,305	5 2
		17,855,049	2 6½
Canal and Dock Duty		46,931	10 3
Duties collected at the Isle of Man		18,337	15 1½
Remittances from the Plantations		13,365	14 5
Proceeds of Goods sold for the Duties		974	1 2½
Rent of Legal Quays, Warehouse Rent, Wharfage, &c.		17,989	14 8½
Interest on Money advanced to the Corporation of Liverpool, for building Tobacco Warehouses		467	12 5
Principal Money repaid by them, in part of the said Loan		4,532	8 2
Repayment, by Treasury order, of duty charged on Lead, the produce of the Mines of Scotland		"	" "
Surplus Receipt, on account of Fines and Seizures, independently of Legal Expenses		5,338	7 7½
Proceeds of Surcharges, Sale of Old Stores, &c.		5,788	6 9½
	Total	17,968,774	13 3½
Total of Produce of CUSTOMS IN IRELAND		1,976,498	7 2½

NET PRODUCE of the EXCISE in GREAT BRITAIN.

<i>Articles.</i>		Net Produce.	
Auctions		£265,944	15 9½
Beer		3,204,389	12 11½
Bricks and Tiles		368,538	14 4½
Candles		485,349	17 11½
Cider and Perry		26,837	16 5
Glass		598,033	11 1½
Hides and Skins		342,792	12 4½
Hops		441,463	2 0
Licenses		673,096	11 8½
Malt		3,109,807	12 5½
Paper		622,559	8 2
Printed Goods		662,141	16 1½
Soap		1,199,409	18 0½
Spirits, British		2,834,742	8 6½
Starch		84,897	4 6
Stone Bottles		3,362	0 3
Sweets and Mead		3,472	15 10½
Tea		3,263,202	5 7½
Vinegar		24,170	5 2½
Wire		"	" "
	Consolidated Duties	18,214,212	9 6½
Payments on Articles on which there has not been any Receipt, viz.—			
Wine	} Deduct		
Wire (above the Receipt.)		83	18 10½
		18,214,128	10 8
Fines and Forfeitures		24,882	3 7½
	Total	18,239,010	14 3½
Total EXCISE IN IRELAND		1,754,215	13 6½

NET PRODUCE of STAMPS IN GREAT BRITAIN.

	£.	s.	d.
Deeds, Law Proceedings, and other written instruments, (except as under)	1,901,892	1	0½
Legacies	1,030,341	10	2
Probates, Administrations, and Testamentary Inventories	809,202	0	6
Bills of Exchange and Promissory Notes	578,654	4	5
Receipts	202,804	5	0
Newspapers and Supplements, and papers for Advertisements	371,038	1	11
Almanacs	28,852	5	3
Medicine, and Medicine Licenses	39,116	10	3½
Fire Insurances	683,940	13	6
Cards	20,563	2	6
Gold and silver plate and licenses	97,125	7	10½
Dice, 1,020 0 0; Pamphlets, 1,634 2 3	2,654	2	3
Advertisements	152,352	8	11
Stage Coaches	394,469	18	11½
Post Horses	225,864	5	0
Race Horses	1,481	18	11½
Penalties in law proceedings and costs received	9,396	0	7
Total	6,549,748	17	2
Total of STAMPS IN IRELAND	470,757	6	10½

NET PRODUCE of the TAXES in GREAT BRITAIN.

Land tax, on lands and tenements	£1,188,428	9	9
Windows	1,151,073	17	5½
Inhabited houses	1,266,529	9	9½
Servants	272,234	3	11
Carriages	331,891	2	11
Horses for riding	341,832	5	7
Other horses and mules	59,997	5	3
Dogs	183,161	1	0½
Horse dealers, 16,676 5 0; hair powder, 21,129 2 6	37,805	7	6
Armorial bearings	50,292	10	0
Game duties	159,372	18	8
Composition duty	31,442	18	3
Penalties on arrears, levied by Barons of Exchequer, Scot.	681	15	4
	5,074,743	5	10½
Property duty	8,971	5	2
Total	5,083,714	11	0½
Total of TAXES IN IRELAND	2,226	2	7½

NET PRODUCE of POST OFFICE, GREAT BRITAIN.

Unpaid letters outwards, and paid letters inwards, and ship letters, &c., charged on country postmasters.	Net Produce.		
	£.	s.	d.
Unpaid letters inwards, and paid letters outwards	1,630,891	9	7
Two penny and penny post letters	122,811	4	0½
British postage, &c., collected in Ireland	26,767	8	4
Letters charged on the postmasters in the colonies	42,974	17	1
Foreign letters	118,746	9	11
Passage money, and freight of specic, by the packets	46,095	8	7½
Miscellaneous	4,162	9	5½
Total	1,992,449	7	0½
Total of POSTAGE FOR IRELAND	197,907	16	9½

PUBLIC FUNDED DEBT.

An Account of the State of the PUBLIC FUNDED DEBTS of GREAT BRITAIN and IRELAND, and of the CHARGE thereupon, at the 5th of January, 1828, including the Debt created by 7,500,000*l.* raised in 1824.

DEBT.			CHARGE.			IN GREAT BRITAIN.		IN IRELAND.	
1. CAPITALS.			2. CAPITALS redeemed and transferred to the Commissioners.			£. s. d.		£. s. d.	
CAPITALS.			CAPITALS Unredeemed.			£. s. d.		£. s. d.	
£. s. d.			£. s. d.			£. s. d.		£. s. d.	
GREAT BRITAIN.			{ The Annual Sum of 5,000,000 <i>l.</i> directed to be issued per 4 Geo. IV. c. 19. towards the reduction of the National Debt of the United Kingdom, Annual Interest on Stock standing in the names of the Commissioners, - - - - - (Long Annuities, - - - - -			4,840,000 0 0		160,000 0 0	
Debt due to the South Sea Company, - - - - - { at £. 3 per cent			{ Annual Interest on Unredeemed Debt, - - - - - Due to the Public Creditor. - - - - -			809,865 0 10		44,309 18 11	
Old South Sea Annuities, - - - - - Do. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			9,193 4 8		796 8 1	
New South Sea Annuities, - - - - - Do. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			5,659,058 5 6		2,800,000 0 0	
South Sea Annuities, 1751, - - - - - Do. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			24,350,830 7 8		1,140,070 6 10	
Debt due to the Bank of England, Do. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			1,331,458 14 0		7,038 0 9	
Bank Annuities, created in 1726, Do. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			25,203 19 2		1,147,108 7 7	
Consolidated Annuities, - - - - - Do. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			35,476 18 7		277,991 19 4	
Reduced Annuities, - - - - - Do. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			25,742,969 19 5		2,800,000 0 0	
Total, at £. 3 per cent. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			24,350,830 7 8		1,140,070 6 10	
Annuities, " " " at £. 3½ per cent. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			1,331,458 14 0		7,038 0 9	
Reduced Annuities, " " " Do. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			25,203 19 2		1,147,108 7 7	
New £. 4 per cent. Annuities, - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			35,476 18 7		277,991 19 4	
Annuities created 1826, at 4 per cent. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			25,742,969 19 5		2,800,000 0 0	
Great Britain, - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			24,350,830 7 8		1,140,070 6 10	
IRELAND.			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			1,331,458 14 0		7,038 0 9	
Irish Consolidated £. 3 per cent. Annuities, - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			25,203 19 2		1,147,108 7 7	
Irish Reduced £. 3 per cent. Annuities, - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			35,476 18 7		277,991 19 4	
£. 3½ per cent. Debentures and Stock, - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			25,742,969 19 5		2,800,000 0 0	
Reduced £. 3½ per cent. Annuities, - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			24,350,830 7 8		1,140,070 6 10	
Debt due to the Bank of Ireland, at £. 4 per cent. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			1,331,458 14 0		7,038 0 9	
New £. 4 per cent. Annuities, - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			25,203 19 2		1,147,108 7 7	
Debt due to the Bank of Ireland, at £. 5 per cent. - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			35,476 18 7		277,991 19 4	
Ireland, - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			25,742,969 19 5		2,800,000 0 0	
Total United Kingdom, - - - - -			{ Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1. and D 2. 53 Geo. III. c. 123. Management, - - - - - The Trustees of Military and Naval Pensions, and Civil Superannuations, - - - - -			24,350,830 7 8		1,140,070 6 10	

NOTE.—The above Columns, 1 and 2, show the Totals of Debt of the United Kingdom, after deducting the Stock directed to be cancelled by various Acts of Parliament, and by redemption of Land Tax, amounting to

Stock.
£. 484,597,051 11 10

ABSTRACT.

ANNUAL CHARGE.														
	CAPITALS.		CAPITALS transferred to the Commissioners.		CAPITALS Unredeemed.		Due to the Public Creditor.		MANAGEMENT.		Sinking FUND.		TOTAL.	
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
Great Britain,	772,845,773	16 10 ³	26,159,406	18 8	746,686,366	18 2 ³	25,752,405	18 3	277,991	19 4 ¹	5,659,058	5 7		
Ireland,	32,056,496	9 9	1,265,971	7 6	30,790,555	2 3	1,147,108	7 7 ¹	796	8 1 ¹	204,309	18 11 ¹		
	804,902,270	6 7 ³	27,425,378	6 2	777,476,892	0 5 ³	26,899,504	5 10 ¹	278,788	7 6	5,863,368	4 6 ¹		
The Trustees of Military and Naval Pensions and Civil Superannuations,														
							2,800,000	0 0					5,863,368	4 6 ¹
							29,699,504	5 10 ¹					35,841,660	17 10 ¹

Purchased with the Sinking Fund, (including 6,149,245*l.* 17*s.* 4*d.*)
Non-assented 4*l.* per cent. vested in the Commissioners as 3*1*/₂*l.*

per cent. 5 Geo. IV. c. 45,	-	-	-	23,372,428	5 10
Transferred for Life Annuities,	-	-	-	2,949,436	0 0
Stock Unclaimed, 10 years and upwards,	-	-	-	220,816	1 7
Purchased with Unclaimed Dividends,	-	-	-	568,500	0 0
Transferred for Redemption of Land Tax under Schedules C. D.	-	-	-	314,197	18 9
1, and D. 2,	-	-	-	27,425,378	6 2

Total transferred to the Commissioners, as above,

(a) Chargeable with 617,530*l.* 19*s.* 0*d.* Life Annuities, per 48 Geo. III. c. 142.
Do. with the sum of 71,300*l.* Annuities for a term of Years to the
Trustees of the Waterloo Fund, per 59 Geo. III. c. 34, payable by
sundry Half-yearly Instalments.
Also with the Payment of 125,445*l.* 17*s.* 4*d.* (by Quarterly Instalments,) being part of 6,149,245*l.* 17*s.* 4*d.* Non-assented 4*l.* per cent. vested in the Commissioners as 3*1*/₂*l.* per cent. per 5 Geo. IV. c. 45.

UNFUNDED DEBT.

An Account of the UNFUNDED DEBT of GREAT BRITAIN and IRELAND, and of the Demands outstanding on the 5th Jan. 1828.

	Provided.		Unprovided.		TOTAL.	
	£.	s. d.	£.	s. d.	£.	s. d.
Exchequer Bills, exclusive of 75,200 <i>l.</i> issued for paying off 4 <i>l.</i> per cent. the payment of which is charged on the Sinking Fund,	3,012,650	0 0	24,534,200	0 0	27,546,850	0 0
Sums remaining unpaid, charged upon aids granted by Parliament,	2,467,836	17 8 ¹	-	-	2,467,836	17 8 ¹
Advances made out of the Consolidated Fund in Ireland, towards the Supplies which are to be repaid to the Consolidated Fund, out of the Ways and Means in Great Britain,	232,759	3 4 ¹	24,534,200	0 0	252,759	3 4 ¹
Total unfunded Debt, and Demands outstanding,	5,713,246	1 1 ¹	-	-	30,267,446	1 1 ¹
Ways and Means,	6,085,996	9 9	-	-	-	-
Surplus Ways and Means,	332,050	8 7 ¹	-	-	-	-
Exchequer Bills to be issued to complete the Charge upon the Consolidated Fund,	-	-	6,617,800	17 10 ¹	6,617,800	17 10 ¹

Number of Vessels that belonged to the Ports of the British Empire, on the 31st December, 1825, 1826, and 1827, respectively.

	On the 31st December, 1825.			On the 31st December, 1826.			On the 31st December, 1827.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
U. Kingdom -	20,087	2,298,836	146,703	20,469	2,382,069	149,894	19,035	2,150,605	130,494
Islands Guernsey, Jersey & Man	508	28,505	3,773	499	29,392	3,665	489	30,533	3,701
Brit. Plantations	3,579	214,875	15,059	3,657	224,183	14,077	3,675	279,362	17,220
Total - -	24,174	2,542,216	165,535	24,625	2,635,644	167,636	23,199	2,460,500	151,415

Number of Vessels entered inwards, and cleared outwards, at the several Ports of the United Kingdom, during the three years ending 5th January, 1828.

Years ending 5th Jan.	British and Irish Vessels.			Foreign Vessels.			Total			
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	
Entered inwards.	1826	13,503	2,143,317	123,028	6,981	959,312	52,722	20,484	3,102,629	175,750
	1827	12,473	1,950,630	113,093	5,729	694,116	39,838	18,202	2,644,746	152,931
	1828	13,133	2,086,898	118,680	6,046	751,864	43,536	19,179	2,838,762	162,216
Cleared outwards	1826	10,843	1,793,842	109,657	6,085	906,066	47,535	16,928	2,699,908	157,192
	1827	10,844	1,737,425	105,198	5,410	692,440	37,305	16,254	2,429,865	142,503
	1828	11,481	1,887,682	112,385	5,714	767,821	41,598	17,195	2,655,503	153,983

Tonnage and number of men employed in the Coasting Trade of the United Kingdom, for the years ending 5th January; including the Cross Channel Trade between Great Britain and Ireland.

Years.	Inwards.		Outwards.	
	Tonnage.	Men.	Tonnage.	Men.
1826 - - - - -	8,408,211	493,411	8,269,399	484,900
1827 - - - - -	8,466,255	488,038	8,791,062	513,959
1828 - - - - -	8,329,099	504,626	8,777,521	513,109

Number of Vessels Built and Registered in the British Empire, in the years ending 5th January, 1826, 1827, and 1828.

	1826.		1827.		1828.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom - - - - -	975	122,479	1,115	118,363	894	93,144
Islands Guernsey, Jersey, & Man	28	1,550	24	2,171	17	1,894
British Plantations - - - - -	536	80,895	580	86,554	374	50,771
Total - -	1,539	204,924	1,719	207,088	1,285	145,809

Note.—From 1814 to 1827, 272 Steam Vessels were built and registered.

FOREIGN TRADE OF GREAT BRITAIN.

An Account of the Value, as calculated at the official rates, of all Imports into, and of all Exports from Great Britain, during each of the three years ending the 5th January, 1828; stated exclusive of the trade with Ireland.

Years ending 5th January.	Value of Imports into Great Britain calculated at the official rates of valuation.			Value of Exports from Great Britain, calcu- lated at the official rates of valuation.									Value of the Pro- duce and Manu- factures of the United Kingdom, Exported from Great Britain, ac- cording to the real and declared va- lue thereof.		
				Produce and Ma- nufactures of the United Kingdom.			Foreign and Co- lonial Merchan- dise.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.		£.	s.
1826 -	42,860,954	8	4	46,453,021	17	1	9,155,305	5	0	55,608,327	2	1	38,077,330	9	0
1827 -	36,038,951	8	1	40,332,854	0	6	10,066,502	12	11	50,399,356	13	5	30,247,528	1	7
1828 -	43,467,747	7	7	51,276,448	4	8	9,806,247	10	11	61,082,695	15	7	36,396,339	6	8

TRADE OF THE UNITED KINGDOM.

An account of the value of all Imports into, and of all Exports from, the United Kingdom of Great Britain and Ireland, during each of the three years ending 5th January, 1828, calculated at the official rates of valuation, and stated exclusive of the trade between Great Britain and Ireland reciprocally.

Years ending 5th January.	Value of Imports, calculated at the official rates of valuation.			Value of Exports, calculated at the official rates of valuation.									Value of the Pro- duce and Manu- factures of the United Kingdom, exported there- from, according to the real and de- clared value thereof.		
				Produce and manufactures of the United King- dom.			Foreign and Colonial Merchandise.			Total Exports.					
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
1826 - -	44,208,807	6	5	47,150,689	12	11	9,169,494	8	3	56,320,184	1	2	38,870,945	11	11
1827 - -	37,686,113	11	7	40,965,735	19	9	10,076,226	11	5	51,042,022	11	2	31,536,723	5	2
1828 - -	44,887,774	19	2	52,219,280	8	0	9,830,728	2	11	62,050,006	10	11	37,182,857	3	2

TRADE OF IRELAND.

An Account of the Value of all Imports into, and of all Exports from Ireland, during each of the three years ending the 5th January, 1828, (stated exclusive of the trade with Great Britain.)

Years ending 5th January.	Value of Imports into Ireland, calculated at the official rates of Valuation.			Value of Exports from Ireland, calculated at the official rates of Valuation.						Value of the Produce and Manufactures of the United Kingdom, exported from Ireland, according to the real or declared value thereof.						
				Produce and Manufactures of the United Kingdom.		Foreign and Colonial Merchandise.		TOTAL EXPORTS.								
Value exclusive of the trade with Great Britain.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	
	1826.	1,547,852	18	1½	697,667	15	10	14,189	3	3	711,856	19	1	793,615	2	11½
	1827.	1,647,162	3	6	632,881	19	3	9,783	18	6	642,665	17	9	689,195	3	7½
	1828.	1,420,020	11	7	942,332	3	4	24,480	12	0	967,312	15	4	786,517	16	6

Value exclusive of the trade with Great Britain.

PUBLIC DEBT OF FRANCE.

State of the Sinking Fund on the 31st of December, 1828, taken from the Report of the Director General.

Total receipts.

France.
878,573,323.02

PAYMENTS.

The Sinking Fund had purchased to 30th September, 1828, as follows, viz.—

1. Before the 22d June, 1825,

Stocks not transferable, of which the Sinking Fund receives the dividends:

37,070,107 francs of 5 per cent. *rentes*,* which have cost 594,914,079.55

433,097 francs 3 per cent. *rentes*, which have cost 10,819,374.01

2. After 21st June, 1825,

Rentes annulled conformably to 2d article of the law of May 1, 1825.

10,988,622 francs of 3 per ct. *rentes*, which have cost 253,664,120.73

3,527 francs of 4½ per ct. *rentes* 77,418.54

48,495,353 francs, 3, 4½, and 5 per ct. *rentes* 859,474,992.83

There have been purchased, during the 4th quarter of 1828,

768,627 francs 3 per ct. *rentes*, which have cost 19,050,129.75

2,000 francs 4½ per ct. *rentes* 44,400

49,265,980 francs, 3, 4½ and 5 per cent. 878,569,522.58

Cash on hand on 31st December, 1828, 722,661.29

EXPENSES.

General Budget of the Expenses of the State for 1829.

Estimated amount of the Expenses:

For the public debt 248,900,947

Civil list 25,000,000 } 32,000,000

Royal family 7,000,000 }

Ministry of Justice 19,610,876

— Foreign Affairs 8,700,000

— Ecclesiastical Affairs 33,645,000

— Public Instruction 1,825,000

— the Interior, (central administration, roads and } 105,854,650

bridges, departmental expenses, public works, &c. }

— Commerce and Manufactures 3,246,400

— War 193,736,928

— Marine 56,719,856

— Finance (including expenses of Chambers of Peers } 100,100,625

and Deputies, civil, military and ecclesiastical } pensions, allowance to the Legion of Honour, &c. }

Expenses of administering the public revenue 128,058,685

Repayments, &c. 41,885,394

974,184,361

Expenses for the Ministries of Commerce and Manufactures, War, } 6,001,797

and Public Instruction, not included in the above estimate }

France, 980,186,158

REVENUE.

General Budget of Receipts.

Estimated amount of receipts, stamps, registries and public domain 190,000,000

Sales of timber 47,500,000

* The French funds are estimated by the amount of the interest allowed, (*rentes*,) not of the nominal capital.

From customs	98,550,000	Francs.
Salt duty	54,370,000	152,920,000

The above receipts are specially set apart for the interest and liquidation of the consolidated debt. Those which follow are applicable to the general expenses of the state.

Indirect contributions	210,900,000
Posts	31,050,000
Lotteries	12,900,000
Direct taxes, including the additional taxes for the use of the departments and communes	323,988,621
Miscellaneous sources	16,898,200
	<u>986,156,821</u>

Receipts from the Ministries of Commerce and Manufactures, War and Public Instruction, not included in the above estimate	6,459,154
	<u>992,615,975</u>

NAVIGATION.

There entered the French ports during the year 1828, 78,472 French vessels, and 4,728 foreign vessels, making together 83,000, having 3,249,916 tons, viz:

	Vessels.	Tons:
From foreign countries	3,028	237,841
From the colonies	437	108,750
Fisheries	6,180	107,755
Coasting trade	68,827	2,267,931
	<u>78,472</u>	<u>2,722,277</u>

There sailed from the ports of France in the same year, 76,877 French and 5,063 foreign vessels, making 81,940 vessels, the aggregate of whose tonnage was 3,074,154, viz.

	Vessels.	Tons.
To foreign countries	2,283	199,678
To the colonies	518	127,157
Fisheries	6,945	117,530
Coasting trade	66,591	2,169,270
	<u>76,877</u>	<u>2,613,635</u>

The above table is formed from the entries at the Custom House, and of course does not give an exact view of the existing amount of French shipping, many vessels making several voyages in the course of the year.

IMPORTS AND EXPORTS.

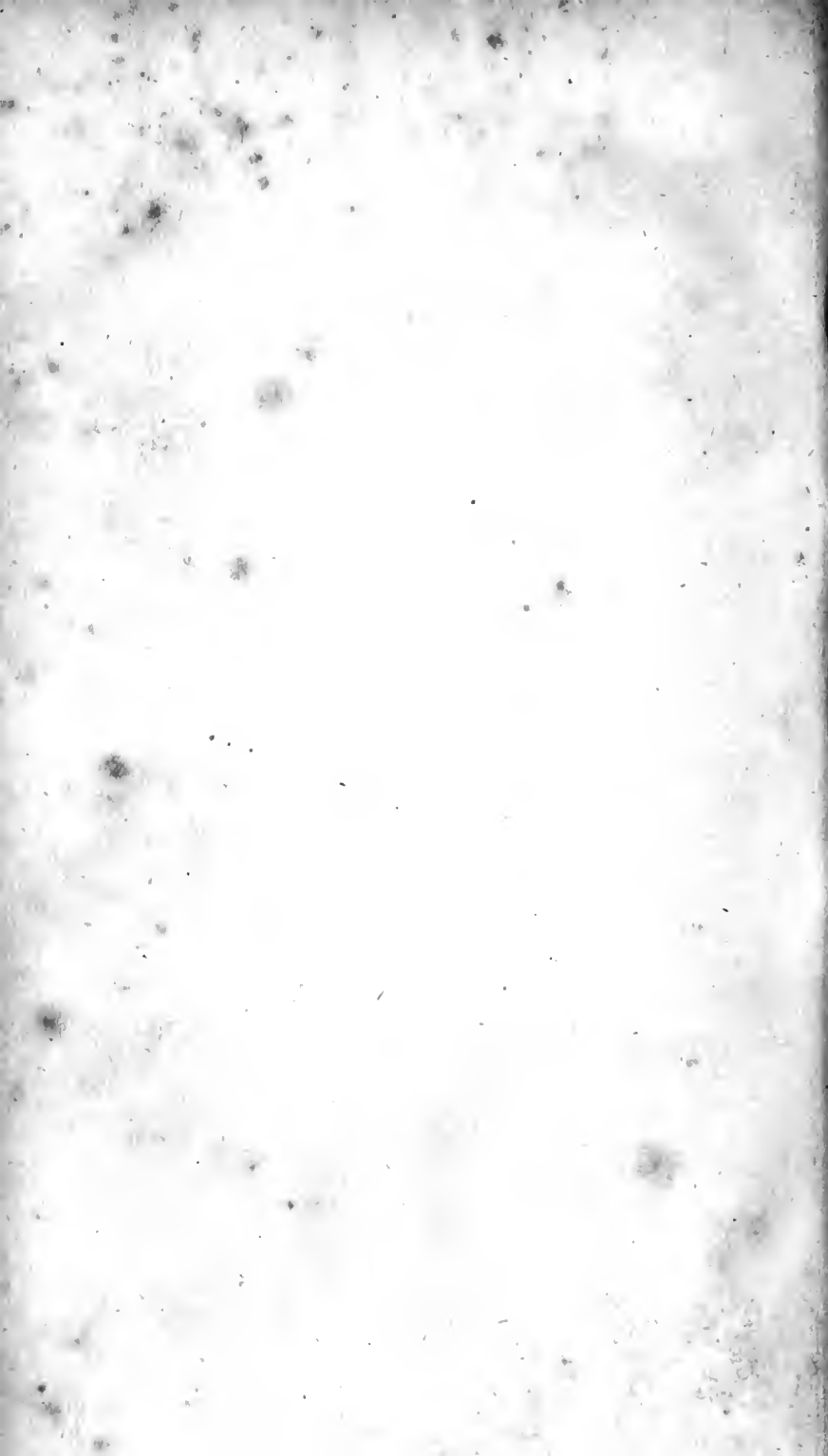
The total amount of the Imports for the year 1828, was	Francs.
Exports	607,677,321
	<u>609,922,632</u>
Excess of Exports	2,245,311

The above statement includes all the imports and exports, whether they have been destined to be consumed in the country, or exported; whether they were the productions of the soil or manufactures of France, or merely forwarded from the French *entrepôts*. The following table only gives the quantities really entered for consumption, and the articles the produce and manufacture of the country, which have been exported.

Raw materials for manufactures	Francs.
Do. for consumption	278,590,868
Manufactured articles	136,845,918
	<u>38,323,551</u>
	<u>453,760,337</u>

Exported.	
Raw products of the soil	167,377,012
Manufactured	343,838,910
	<u>511,215,922</u>
Excess of exports	57,455,585





LOCAL HISTORY,

AND

DOMESTIC OCCURRENCES,

FOR THE YEARS 1827-8-9.

THE NEW YORK PUBLIC LIBRARY

ASTOR LENOX AND TILDEN FOUNDATIONS

101-102

DOMESTIC OCCURRENCES.

MAINE.

SCHOOLS.—There are thirty-one academies in this state, with funds to the amount of \$170,021.68. Each town, however large or small, is required by law to raise annually, for the support of schools, a sum equal at least to forty cents for each person in the town, and to distribute that sum among the several school districts in the town, in proportion to the number of scholars. In 1826 the number of school districts in the state amounted to 2499; the number of scholars, between four and twenty-one years of age, to 137,931; and the total amount of expenditures to support the schools, to \$137,878.57.

BANKS.—In June, 1829, there were twenty-one banks in the state, and the following is an exposition of their affairs at that time:

The amount of capital stock actually paid in,	\$2,050,000
Total amount of bills in circulation,	551,202
Amount of cash deposited,	478,116 96
Amount of undivided profits,	64,969 73
Specie on hand,	166,023 81
Deposites in other banks,	242,024 15

STATE PRISON AT THOMASTON.—There were 99 convicts in this prison, Nov. 30, 1828. The whole number committed since July 2, 1824, amounts to 274; discharged during same time 139, pardoned 29, escaped 2, died 5. Of the 99 left in prison, 14 were Irish, 3 English, 3 French, and 1 Portuguese negro.

CUMBERLAND AND OXFORD CANAL.—This canal was commenced in May, 1828, and was to be completed in September, 1829. It unites the

waters of Sebago pond with those of Portland harbour. The length of the artificial canal is 20½ miles, and the whole extent of water communication exceeds 40 miles. The expense of the canal is estimated from \$190,000 to 200,000. The water communication can be extended to the Androscoggin, and even, it is said, to the Chaudiere. Articles of transportation down the canal, timber of various kinds, wood, stone, ashes, sand to make glass, and produce of the country. In return, salt, plaster, fish, and merchandise.

TREASURY.—Receipts and expenditures for the year, ending December 31st, 1828:

RECEIPTS.	
Balance in the Treasury,	\$9,302 93
Taxes on real estate,	48,943 47
Duties on commissions,	2,662 00
Tax on banks,	21,075 00
Justices' fees,	8,794 14
Notes receivable,	50 00
Interest on money due,	43 33
Received from land agent,	10,738 47
Military exemptions,	6 00
Premium on a loan,	5 00
Fines, forfeitures, &c.	85 79
Indians,	112 84
Land agents,	11,394 20
Loan,	5,000 00
Lotteries.—For the Cumberland and Oxford Canal,	22,050 35
For steam navigation,	3,317 24

Total of Receipts, \$143,487 92

EXPENDITURES.	
Pay roll of the Council,	\$2,698 00
Senate,	3,260 00
Representatives,	19,656 00
Electors of President and V. President,	182 00
Roll of accounts,	8,853 31
Salaries,	14,883 91
Costs in criminal prosecutions,	8,701 59
To Bowdoin College,	3,000 00
To Medical School,	1,000 00

To Waterville College,	2,000 00
To Gardiner Lyceum,	1,000 00
To the American Asylum at Hartford,	1,415 32
State Prison,	8,185 12
State Arsenal,	900 00
Public buildings, &c.	2,628 73
Land Agent,	1,000 00
Indians,	2,406 56
State Printing,	750 00
Greenleaf's Reports,	787 50
Stationery,	300 00
Laws for the use of the Legislature,	100 00
Pensions,	640 00
Engrossing Clerks,	1,092 75
State tax remitted,	120 40
Cumberland and Oxford Canal Fund,	22,050 35
Chaplains,	60 00
Temporary Loan,	17,900 00
Interest on State debt,	3,206 77
Steam navigation lottery,	3,317 24
Miscellaneous,	404 38
Commissioners under the Act of Sep- aration,	307 21
Greenleaf's Maps,	1,000 00
Public Roads,	2,237 21
Northeastern boundary,	909 48
Quarter Master Gen. Department,	400 00

Total of Expenditures, \$137,351 83
 Balance of cash in Treasury, Dec.
 31, 1828, 6,136 09

\$143,487 92

ELECTIONS.—*Sept.* 1827, Mr. Lincoln was elected governor without opposition.

Sept. 1828.—Mr. Lincoln was re-elected governor without opposition, and Messrs. McIntire, Anderson, Sprague, Wingate, and Butman, were elected representatives to Congress.

The following is from the returns in the various districts. In York District the whole number was 4,515. Rufus McIntire had 2,981, and was chosen.

In Cumberland whole number 4188. John Anderson had 3,189, and was chosen.

In Lincoln, whole number 2858. Joseph F. Wingate had 2086, and was chosen.

In Kennebeck, whole number 2368. Peleg Sprague had 2245, and was chosen.

In Somerset and Penobscot, whole number 5381. Samuel Butman had 3,336, and was chosen.

In Hancock and Washington no choice. Whole number 3,549; Jeremiah O'Brien had 1,709. Several trials were made in this district without success, and the vacancy was not filled.

In Oxford no choice. Whole number 4,994; Ruel Washburn had 2,495, James W. Ripley 2,180. Scattering 319.

On a second trial in Oxford district, Mr. Ripley was elected representative by a majority of between 400 and 500 votes.

Jan. 1829.—Peleg Sprague was elected United States' Senator, in room of Mr. Chandler, whose term of office expired in March, 1829. The ballot was—Senate, 18 Sprague, 1 against—House, 91 for, 51 against. And John Holmes in the place of Mr. Parris, resigned.

NORTHEASTERN BOUNDARY.—The dispute relative to this boundary is in a course of adjustment. In February, 1828, Albert Gallatin, of Pennsylvania, and Wm. Pitt Preble, of Maine, were appointed agents in the negotiation, and upon the umpirage relating to it; and the decision of the question has been submitted by the parties interested to the king of the Netherlands.

The Legislature, in the session of 1828, passed the following resolutions, with a preamble declaring the sovereignty of the state to have been repeatedly violated by the N. Brunswick authorities:

Resolved, That the present is a crisis in which the government and people of this state have good cause to look to the government of the United States, for defence and protection against foreign aggression.

Resolved, further, That if new aggressions shall be made by the government of the province of New Brunswick upon the territory of this state, and upon its citizens, and reasonable protection shall not be given by the United States, the governor be, and he hereby is, requested to use all proper and constitutional means within his power, to protect and defend the citizens aforesaid in the enjoyment of their rights.

Resolved, further, That in the opinion of this legislature, the executive

of the United States ought, without delay, to demand of the British government the immediate restoration of John Baker, a citizen of this state, who has been seized by the officers of the province of New Brunswick, within the territory of the state of Maine, and by them conveyed to Frederickton in said province, where he is now confined in prison; and to take such measures as will effect his early release.

Resolved, further, That the governor be, and he hereby is, authorised and requested, with the advice and consent of the council, from time to time, to extend to the family of said John Baker, such relief as shall be deemed necessary; and he is hereby authorized to draw his warrant on the treasury for such sum or sums as shall be required for that purpose.

Oct. 6, 1828.—NOVEL FISHERY.—A school or shoal of large fish, some of them between 20 and 30 feet in length, was discovered in Harpswell river, on the eastern side of Harpswell neck. A few hardy fishermen of that town discovered them, and engaged in the chase, driving them up the river and firing at them with musket balls. The alarm was soon communicated along shore—a *whale! a whale!* was the cry:—and the water was in a short time covered with boats, carrying sixty or eighty warriors to battle, armed with muskets, harpoons, broadaxes, hatchets, and whatever deadly weapon could be seized at the moment. Those who first dashed in amongst the school fired at them incessantly, and killed several, who sank in the river, where they still lie. The greater part were driven from the river into the cove, directly east of Harpswell meeting house, between Orr's island and Great island. The water was here shallow; and now commenced an assault, and a method of fishery never before witnessed. The fish were known to yield a valuable oil like the whale; the largest yielding from four to five barrels, worth thirty or forty dol-

lars. The eagerness of attack, therefore, on the part of the fishermen, who were accustomed to draw up from the depth of many fathoms the comparatively worthless codfish, may be easily imagined.

First, as became him the representative of the town of Harpswell, Mr. Curtis, a very respectable man, assaulted the largest of the school. Armed with a broadaxe, he threw himself from his boat, astride a monster 22 feet in length, and rode him a number of rods, (all the time cutting into him with the greatest industry,) before he despatched him.

Mr. Dunning pursued two large fish ashore, and slipping the painter from his boat, he made a noose in it, and getting it over the head and fins of the largest, he fastened him to a tree; while snatching another rope, he slipped it over the tail of the other, and fastened him to a bush; and then hastened to make new conquests, for it was the law of the case, that every one was to have what he could kill or catch and secure.

The result of this adventure is, that 22 men, the successful part of the company, killed 71 fish, being, with those which sunk in the river, the whole school. It is not known that one escaped. The blubber has been stripped off, and, it is expected, will yield 75 barrels of oil, worth perhaps from 600 to 700 dollars.

Some of the Harpswell people call this fish, *black* fish, others *pot* fish. Both names are very appropriate, for the fish is black like a coal, and the head is of the form of a pot kettle. Dr. Mitchill, of New York, and other learned men, would say it is no fish at all, for it has no gills, and like the whale, has a heart and lungs, and warm blood, and is viviparous. It spouts water through a large spiracle or hole in the top of its head. One man thrust his fist as a stopper in the spiracle of one of the monsters, in the hope, that by confining the air, the animal would *blow up*, and thus be floated more readily in the shoal wa-

ter; but he found himself in danger of being blown up into the air! The largest was 22 feet in length, and 18

feet in circumference; the *pups*, still at the breast, were seven or eight feet in length.

NEW HAMPSHIRE.

A List of the Governors and Commanders in Chief of New Hampshire for 186 years.

UNDER THE GOVERNMENT OF MASSACHUSETTS.	
<i>Chosen.</i>	<i>Office ceased.</i>
1641* Richard Bellingham, Governor,	1642
1642 John Winthrop, Governor,	1644
1644 John Endicott, Governor,	1645
1645 Thomas Dudley, Governor,	1646
1646 John Winthrop, Governor,	1649
1649 John Endicott, Governor,	1654
1654 Richard Bellingham, Governor,	1655
1655 John Endicott, Governor,	1665
1665 Richard Bellingham, Governor,	1673
1673 John Leverett, Governor,	1679
1679 Simon Bradstreet, Governor,	—

UNDER THE PROVINCIAL GOVERNMENT.	
<i>Commenced.</i>	<i>Ceased.</i>
1680 John Cutt, President,	1681
1681 Richard Waldron, President,	1682
1682 Edward Cranfield Lieut. Governor,	1685
1685 Walter Barefoot, Deputy Governor,	1686
1686 Joseph Dudley, President,	1686
1686 Edmund Andros, Governor,	1689
1689 Union with Massachusetts revived,	1692
1692 John Usher, Lieutenant Governor,	1697
1697 William Partridge, Lieut. Governor,	1698
1698 Samuel Allen, Governor,	1699
1699 Rich. Coote, Earl of Bellamont, Gov.	1702
1702 Joseph Dudley, Governor,	1715
1702 John Usher, Lieutenant Governor,	—
1715 George Vaughan, Lieut. Governor,	1716
1716 Samuel Shute, Governor,	1723
1717 John Wentworth, Lieut. Governor,	1729
1729 William Burnet, Governor,	1729
1730 Jonathan Belcher, Governor,	1741
1731 David Dunbar, Lieut. Governor,	1741
1741 Benning Wentworth, Governor,	1767
1767 John Wentworth, Governor,	1775
AFTER THE DECLARATION OF INDEPENDENCE.	
1776 Meshech Weare, President,†	1783
1784 Meshech Weare, President,‡	1784
1785 John Langdon, President,	1786
1786 John Sullivan, President,	1788
1788 John Langdon, President,	1789
1789 John Sullivan, President,	1790
1790 Josiah Bartlett, President,	1793
1792 Josiah Bartlett, Governor,§	1794
1794 John Taylor Gilman, Governor,	1805
1805 John Langdon, Governor,	1809
1809 Jeremiah Smith, Governor,	1810

* The settlements of Portsmouth, Dover, and Exeter, voluntarily put themselves under the government of Massachusetts colony in 1641, and were allowed to send their representatives to the General Court at Boston. This union with Massachusetts remained until 1st January, 1680, when a commission arrived at Portsmouth from England, establishing a Provincial Government. Hampton, from its first settlement till this time, had belonged to Massachusetts.

† In 1776, a temporary constitution was framed, to continue during the war with Great Bri-

1810 John Langdon, Governor,	1812
1812 William Plumer, Governor,	1813
1813 John Taylor Gilman, Governor,	1816
1816 William Plumer, Governor,	1819
1819 Samuel Bell, Governor,	1823
1823 Levi Woodbury, Governor,	1824
1824 David Lawrence Morril, Governor,	1827
1827 Benjamin Pierce,	—

March, 1828.—John Bell was elected Governor, in the place of Benjamin J. Pierce. The votes were for Bell 15,104, for Pierce 13,332.

June, 1828.—Samuel Bell was re-elected a Senator of the U. States.

JUDICIAL OPINIONS.—The supreme judicial court of New Hampshire, in compliance with an order of the house, at the session of 1828, gave the following opinions: 1. That the legislature has not a constitutional right to impose a tax upon a particular unincorporated place, for the purpose of making a road in such place, or for any other purpose. 2. That the legislature has not a constitutional right to impose a tax upon a particular unincorporated town for any such purpose. 3. That the legislature has a constitutional right, by a special act, to authorize the guardian of a minor to sell the real estate of his ward.

June, 1828.—A mine of lead was discovered accidentally about two years ago in the town of Eaton, a few miles from Saco, Me. It was recently opened, and its working commenced, and is said to promise a fair reward to the proprietors, 100 lbs. of

tain, under which constitution, Meshech Weare was annually elected President. This was the first constitution formed in any of the colonies after the Revolution commenced.

‡ On the 31st of October, 1783, the new civil constitution of New Hampshire went into operation, and continued, without alteration, until 1792. Meshech Weare was the first President.

§ In 1792, the constitution was revised by a convention of delegates, who assembled at Concord. The title of President for the chief magistrate was abrogated, and that of Governor substituted.

the ore yielding 90 per cent. of the metal.

Sept. 24, 1828.—The U. S. sloop of war Concord was launched this day at Portsmouth. She is 600 tons burthen, and is pierced for 18 guns. The following vessels have been built at Portsmouth:

<i>Ships.</i>	<i>Guns.</i>	<i>Dates.</i>
Falkland,	54	1690
Bedford,	32	1696
America,	50	1774
Raleigh,	32	1776
Ranger,	18	1777
America,	74	1782
Crescent,	32	1797
Scammell,	14	1797
Portsmouth,	24	1798
Congress,	36	1799
Washington,	74	1814
Porpoise,	14	1821
Concord,	18	1828
Alabama,	74	} Not launched.
Santee,	44	

Probably a larger number of national ships than has been built in any port in the country.

November, 1828.—The Adams electoral ticket received 22,775 votes, and the Jackson ticket 19,555.

March, 1829.—Benjamin J. Pierce was re-elected governor by a majority of about two thousand votes; and also members of Congress who are friendly to the administration of Gen. Jackson.

Treasury—Receipts and Expenditures for the year 1828.

RECEIPTS.	
Cash in the Treasury, on settlement of the late Treasurer's accounts,	\$3,205 10
Taxes outstanding,	1,502 45
Borrowed of Literary Fund,	9,058 19
" of Merr. Co. Bank,	19,000 00
" of Claremont Bank,	5,000 00
Received of J. W. Weeks, an error in travel roll,	2 00
Interest on 3 per cent. stock,	2,854 00
Received of Jacob Patch, error in attendance roll, Nov. 1828,	90 00
Cash of Selectmen of Lyman, fees for militia exempts,	2 90
State tax for 1828,	39,997 20
Of Secretary of State, fees of office,	553 00
	\$81,263 94
EXPENDITURES.	
Governor's salary,	1,200 00
Contingent expenses,	100 00
Pay roll of the Council,	985 00

Pay roll of the Senate, June, 1828,	602 40
" of do Nov. 1828,	1,392 60
" of the House, June, 1828,	9,039 00
" of do Nov. 1828,	22,172 50
Orders in favour of Representatives, whose names were omitted on the rolls,	190 00
Orders in favour of the Clerks,	765 90
" in favour of Doorkeepers,	901 45
Salaries of Secretary, Treasurer, Warden of the State Prison, and Adjutant General,	2,600 00
Salaries of Justices of Superior Court, Attorney General, and Solicitors,	4,600 00
Salaries of Justices of Court of Common Pleas,	3,200 00
Salaries of Judges and Registers of Probate,	4,418 69
Compensation of Commissioners on State line,	1,086 68
Compensation of Electors of President, &c.	147 00
Orders in favour of deaf and dumb,	660 00
Other orders,	6,451 00
Wolf, bear, and wild cat bounty,	250 00
Tax against Shelburne, received by late Treasurer,	48 40
Principal and interest of money borrowed,	18,619 16
Taxes outstanding, June 1st, 1829,	1,452 92
Cash in Treasury, June 1st, 1829,	373 73
Total,	\$81,263 94

MANUFACTURES.—*Somersworth.* The factories at Salmon Falls have lately become famous, though only a small portion of the water-power is yet employed. The company was incorporated in 1822, with a capital of a million. Their works consist of three cotton mills, one for the manufacture of broadcloths, and another of carpets. The cotton mills have nearly 20,000 spindles, with looms enough to make between 70 and 80,000 yards of cloth weekly. One of these mills is six stories high, 49 feet wide, and 390 feet long. The woollen factory is six stories high, 49 feet wide, and 220 feet long, and makes 2000 yards of broadcloth weekly. The carpet factory makes 1300 yards weekly, that compares with the best Kidderminster or Scotch goods. The village, belonging to the works, contains 1,600 persons—1,000 of whom are connected with the factories—the monthly disbursements of the company in *wages*, are over 16,000 dollars. Some idea may be formed of the extent of this establishment by the quantity of articles consumed in a year. The following is a part, in round numbers:

400,000 lbs. of wool, value	\$160,000
18,000 lbs. indigo,	36,000
200 bbls. camwood,	600
40 casks woad,	800
Other dye stuffs,	5,000
50 pipes olive oil,	4,100
9,000 gallons lamp oil,	6,000
700,000 teazles,	1,500
300 tons of coal,	2,000
1,300 cords of wood,	3,900
500,000 lbs. cotton,	70,000
Soap,	1,500
Flour and starch,	2,400

Thursday, 13th November, 1828,
was kept as a day of annual thanksgiving and prayer.

The number of banks in the State on the 4th of May, 1829, was 18; and the statement of their affairs, with the exception of Portsmouth bank, from which no returns were received, were as follows :

Value of real estate,	\$71,846 75
Amount of debts due,	2,329,069 60
Amount of the specie in the vault,	220,347 14
Amount bills of other banks on hand,	53,829 88
Amount of deposits,	169,430 67
Amount of bills in circulation,	685,246 25

STATE PRISON.—Its receipts for the year ending 29th May, 1829, were

\$19,489.28; and its disbursements during the same time were \$17,348.78.

MILITIA.—By the returns of the militia made to the governor in 1828 and 1829, the number was as follows :

	1828.	1829.
Infantry, light infantry, and grenadiers,	24,461	24,843
Cavalry,	1,529	1,601
Artillery,	1,639	1,592
Riflemen,	756	864
	28,415	28,900

SCHOOLS.—The State has a literary fund, amounting to \$64,000, and the proceeds of which are to be divided among the towns in the ratio of taxation. There is also an annual income of 9000 dollars from the tax of a half per cent. on bank stock, which is appropriated in like manner. Since 1818, the sum of 90,000 dollars has been yearly raised by tax for the support of common schools. The State has appropriated annually for several years 1200 dollars for the education of deaf and dumb pupils at the Hartford Asylum.

MASSACHUSETTS.

BOSTON ATHENEUM.—This institution continues to flourish. Its advantages are laid open to the public, as far as is consistent with the proper preservation of the library. A catalogue of this, enumerating 23,000 volumes, has been printed within the present year, during which, books to the value of \$11,000, have been received from Europe. As a library of modern languages and literature, it is believed not to be surpassed in the United States.

SCHOOLS.—From information contained in a report of the secretary of the state, for the year 1827, and obtained from imperfect returns of the several towns, it appears that there were 972 public school districts, and 708 academies and private schools. The number of pupils in private schools is estimated at 18,143, and the number in the public schools at

71,006. The amount of private tuition is calculated at \$158,809, and the amount paid for public instruction is \$163,929.76.

HARVARD COLLEGE.—The following is a statement of the number of students in the different departments of this flourishing institution in 1829.

<i>Under-graduates.</i>	
Senior class	60
Junior “	47
Sophomore “	69
Freshman “	74
	—250
University students	5
Theological “	33
Medical “	84
Law “	6
	—123
Candidates for the ministry	17
Resident graduates	6
Total	401—

MILITIA.—From the returns of December, 1828, the following was the state of the militia: 7 divisions, 16 brigades, 67 regiments of infantry, and 1 battalion. 494 companies of infantry, 11 of grenadiers, 107 of light infantry, and 36 of riflemen. The aggregate of infantry with the general staff consists of 49,658. Of cavalry there are 4 regiments, 2 battalions, and 34 companies. The aggregate of cavalry is 1,431. Of artillery there are four regiments, 13 battalions, and 51 companies. The aggregate of artillery, 3,255. Total, 54,344.

The number of muskets in use is 30,589—of artillery pieces, 105. Besides these there are deposited in the arsenals at Cambridge and Boston, 10,188 muskets, of which, 8,721 were received of the United States, the rest purchased by the state; and 91 pieces of cannon, with all the requisites for the use of both.

The following estimate was made of the expense of the militia, by Mr. Pierpont, in a sermon preached before the ancient and honourable artillery company. "The commonwealth has more than fifty thousand men on her militia rolls. Grant that these are called out for review, drill, elections, and parade, no more than three days a year, and we have 150,000 days devoted to military duty by those who do that duty. Allow then only one spectator for one soldier, and there are 150,000 days more. Allow, moreover, only two-thirds as much time for each individual to prepare for the field, for fatigue or frolic, and to recover from its duties or its debauch, as there is spent upon the field, and we have 200,000 days more. Now allowing one day to be worth only one dollar, the militia of Massachusetts costs the state of Massachusetts half a million of dollars a year."

MASSACHUSETTS CLAIMS.—The following (says the Boston Centinel) is the report of the third auditor of the treasury on the long contested military claims of Massachusetts.

VOL. III.

This report has just been printed by order of congress.

This report was made by the third auditor, Mr. Hagner, by direction of the secretary of war, in pursuance of a resolution of the house, passed in December, 1826, by which the claim was referred to the secretary of war, with instructions to report to the house, what classes and what amount of it might be allowed and paid upon the principle and rules, which have been applied to the adjustment of claims of other states for military services during the war, and if any parts of the claim are rejected, to state the reasons. The auditor was directed to classify the items of the claim so as to show, 1st, those which are not warranted by the principles of adjustment, adopted in settling similar claims made by other states—2d, those embraced by such principles, and, 3d, to distinguish those portions which resulted from calls made by the executive of Massachusetts, and those by militia officers, without the sanction of the executive; and to notice whether the calls made by the executive were spontaneous, or made in compliance with calls from the executive of the United States; and in either case, whether he consented or refused, to subject them to the authority of the government of the United States.

The report of the auditor was made January 30, 1828, in conformity with these instructions. The items of the claim are examined in detail, classified, and accompanied with remarks, and extracts from the correspondence between the executive and other officers of this state, and those of the United States.—The report occupies 181 closely printed pages.

The whole amount of the claim is \$843,349.60: of this amount \$52,480.33 are rejected, as consisting entirely of items of a class not allowable on principles of adjustment applied to claims of other states. Among three items are a charge of \$4,061, for money paid under a reso-

lution of the legislature of the state, in June, 1812, by which the governor was authorized to send boats or vessels immediately to sea, to give notice to all American vessels on the coast of the declaration of war. This expense is not considered, as properly chargeable to the general government. Another of the items is of \$17,755 paid for militia called out at Boston, Salem, and eight or ten other towns, in September and October, 1814, by order of the governor, by regiments, by rotation two days successively, for the purpose of improving their discipline, and other objects stated in his general order. Other items disallowed are for building gun houses, and for guards to gun houses, and at the arsenal at Charlestown \$4,339; payments for the transportation of arms and ordnance stores from Boston to sundry towns, in 1813 and 1814, and to Boston in 1815 and 1816, \$5,289; for payments to aid-de-camp, brigade majors, and adjutants, &c. \$3,772, and compensation to the commissioners of sea coast defence, the board of war, their clerks, to Col. Sumner, and incidental expenses of their offices, \$13,154.

Of items partly admissible, and partly objectionable, the claims are classed under the head of guards, amounting to \$39,810, of which \$27,711 are designated as admissible, and the rest inadmissible. Under head of alarms, the claims are \$37,652, of which \$24,141 are admissible. For calls of militia officers, principally in Maine, under general order of June 16, 1814; the claims amount to \$197,489, of which \$144,876 are admissible. Under the state executive calls, including Gen. *Whiton's* corps at South Boston, and troops at Portland, Bath, Wiscasset, &c. the claims amount to \$503,852, of which \$227,662 are designated as admissible. For the defence of Eastport in 1812, the claims are \$4,295, of which \$3,411 are designated as admissible. For militia in the United

States, service the claims are \$7,768, admissible \$2,945.

Of the sums, deducted from the several items of claims as inadmissible, are \$61,833 charged for clothing, and \$7,777 for arms, which are stated by the auditor not to be allowed on the principles adopted in the settlement of claims of other states. The sum of \$14,056 is deducted for *over* payments, and \$23,545 for reduction of rations. The deduction for *over* payments are made, for higher rates allowed in some instances than were authorized by law, or for longer periods than the services were entitled to, or for some deficiency in the evidence of the services. The rations to the militia were furnished at 20 and 25 cents, the United States contract price being at the time 17 cents. Smaller deductions were made under several other general heads, and under the head of miscellaneous, \$240,759. Under this last head are \$30,123 for fortifications at Boston, \$8,141 for hulks for Boston harbour, \$25,683 for gun carriages and artillery apparatus, \$32,996 for muskets purchased in 1813 and 1814, \$39,274 for gun powder, and \$19,249 for tents.

The aggregate amount designated as admissible is \$430,748.26. The amount of the several deductions for inadmissible charges is \$412,601.34. A small portion of these deductions are made for deficiency of proof, but much the greater portion from the nature of the charges.

BANKS.—By the returns of the state of the banks in the commonwealth, made to the secretary on the first Saturday of May, it appears that the amount of capital stock of the 61 banks in operation in 1827 is 19,337,800 dolls. The whole amount of bills in circulation was 4,884,538 dollars, of which amount 985,045 dollars were of bills of denominations less than five dollars. The amount of notes in circulation bearing interest, not included in the foregoing amount, was \$2,599,326.84. The amount of deposits in the several

banks, not on interest, was 2,063,072 dollars. Deposits on interest, \$455,654.96. Whole amount of the debts of the banks, \$30,943,400.05.

The amount of specie in the vaults of the banks was 1,144,645 dollars. Amount of real estate 640,998 dollars. Bills of other banks in the state, 713,319 dollars. Bills of banks incorporated elsewhere, 277,531 dollars. Balances due from other banks, 1,210,786 dollars. Notes and bills of exchange discounted, funded debt, and other securities, \$27,073,978.89. Whole amount of resources of the banks, \$31,011,981.92. Amount of debts due to the banks, secured by the pledge of their own stock, 1,114,510 dollars. Amount of debts considered doubtful, 343,451 dollars.

There were 65 banks in the Commonwealth in 1828, and the following is an exposition of their affairs for that year:

<i>Due from the Banks.</i>	
Capital stock paid in,	\$20,140,050
Bills in circulation of \$5 & upwards, not bearing interest,	3,989,612
Bills in circulation under \$5, not bearing interest,	1,044,981
Bills or notes in circulation bearing interest,	3,713,262
Nett profits on hand,	397,050
Balances due to other banks,	1,151,734
Cash deposited,	2,020,226
Cash deposited bearing interest,	434,335
Total amount due from the banks,	33,178,493
<i>Resources of the Banks.</i>	
Specie,	\$1,925,294
Real estate,	639,838
Bills of other banks incorporated in this State,	713,110
Bills of other banks incorporated elsewhere,	404,640
Amount of debts due,	28,753,263
Total amount of the resources of the banks,	33,276,430

STATE PRISON.—The whole number of convicts in the prison, Sept. 30th, 1827, was 285; on Sept. 30th, 1828, it was 290. The whole number committed between 1805 and 1828 was 2176; and of these 366 were pardoned, 17 escaped and not retaken, 114 died, 10 were discharged by the court, and 1379 were discharged on expiration of sentence. Of the whole number discharged, there have been returned on a second commitment 290; and of the 290, 32 were of those who had been pardoned. In 1828,

135 of the convicts were from Massachusetts; 21 from New Hampshire; 14 from New York; 13 from Connecticut; 7 from Pennsylvania; 11 from Rhode Island; 9 from Vermont; 15 from Maine; 3 from Virginia; 3 from New Jersey; 3 from South Carolina; 3 from Maryland; 1 from New Orleans; 20 from Ireland; 9 from England; 9 from Scotland; 2 from France; 3 from Nova Scotia; 2 from Holland; 6 from the West Indies; and 1 from Portugal. One sixth part of the convicts were coloured people.

EXPENSES OF GOVERNMENT.—Expenses of the Senate and House of Representatives, in the several legislatures of Massachusetts.

1820	26,507	1824	36,727
1821	32,387	1825	36,602
1822	21,918	1826	49,141
1823	36,207	1827	69,837

TREASURY.—Receipts and expenditures for the year ending December 31st, 1828.

<i>RECEIPTS.</i>	
On arrearages of State tax,	\$38 93
Amount of bank tax,	190,247 20
Duties on sales by auction,	34,297 65
Principal and interest of notes and bonds due the commonwealth,	9,221 51
Lands in Maine sold by the agents,	2,724 60
Of county treasurers,	761 58
Of the Attorney General,	217 00
Of the Solicitor General,	131 12
Miscellanies,	2,206 71
Money borrowed of banks,	210,000 00
Total of receipts,	\$450,026 32

<i>EXPENDITURES.</i>	
On warrants and rolls for the support of government, including the pay of representatives,	\$146,063 43
On rolls of the committee on accounts, for different years,	70,888 53
County treasurers,	26,355 95
Principal and interest of the 5 per cent. funded debt,	293 08
Adjutant and acting Quarter Master General's department,	4,687 00
Agricultural Societies,	5,438 84
Support of deaf and dumb persons in Asylum at Hartford,	6,227 79
Wounded soldiers, \$137, Pensioners, \$1,243.33,	1,380 33
Medical Institution in Berkshire county,	1,000 00
Commissioners for settling the affairs of Massachusetts and Maine	951 37
Interest on money repaid to banks,	2,425 74
Miscellanies,	42,056 97
Principal of money repaid to banks,	140,000 00
Total of expenditures,	\$447,769 03

MEMORANDUM.

Cash in the treasury, January 1st, 1828,	20,466 73
Amount of receipts in 1828, including money borrowed of banks,	450,026 32
Amount of expenditures in 1828, including money repaid to banks,	447,769 03
Amount of cash in treasury, January 1st, 1829,	\$22,724 02

LEGISLATIVE PROCEEDINGS.

January, 1828.—MANUFACTURES.

—The following resolutions passed the house of representatives of Massachusetts—150 to 94:

Resolved, As a sense of this house, that the continued and increasing depression of the woollen manufactures and of the agricultural interest in this commonwealth, and the country generally, calls for the interposition of the legislature of the nation.

Resolved, That a judicious revision of the existing tariff, in such manner as not essentially or injuriously to affect any of the other important public interests of the country, or to jeopardize established systems of policy, is required by a just and liberal regard to all the branches of American industry, as well as by the failure of measures heretofore adopted with this view.

Resolved, That this house regards with great satisfaction the course already taken by those who represent this commonwealth in congress, in reference to this subject, and that we rely with great confidence upon their continued efforts to accomplish what a sense of justice and a regard to the interests of the whole community shall require in the premises.

STATUE OF WASHINGTON.—The following resolution was passed, Jan. 4, 1828, by the legislature, on expressing their acceptance of the gift of the statue of Washington:

Resolved, That the legislature of this commonwealth accepts the statue of Washington, upon the terms and conditions on which it is offered by the trustees of the Washington Monument Association; and entertains a just sense of the patriotic feeling of those individuals who have done honour to the state, by placing in it a statue of the man, whose life

was among the greatest of his country's blessings, and whose fame is her proudest inheritance.

PRIVILEGE.—In January, 1828, the question was agitated before the senate as to the right of a committee of congress to summon a member of the Massachusetts legislature to attend before it, and, though it was strenuously contended that Congress had no right to summon a member while attending the legislature, yet leave of absenc for three weeks was granted to the member subpoenaed.

January 25th, 1828.—The following message relative to the contemplated railway from Boston to Providence, was communicated to both houses, by Gov. Lincoln:

Gentlemen of the Senate and House of Representatives,

The board of internal improvements have just now furnished me with their report in reference to a railway from the city of Boston to Providence, in the state of Rhode Island, together with a memoir of the survey, and a plan of the routes, by the engineers, and an estimate of expenses for the construction of the work.

By the report and survey, the following propositions appear to be established:

That the rail road may be constructed on either of the two routes, designated as eastern and western, with little preference to the election between them, and in length of way not greater than the present turnpike road.

That the inequalities of country, through the whole distance, may be reduced for the track of the road, to an elevation at most of 30 feet in a mile, except in a single short section, where it will not exceed 60 feet.

That horse power will be most expedient for application to the uses of this road.

That the power of a single horse, working seven hours in a day, and travelling at the rate of three miles an hour, will be equal to the draft over the road of at least eight tons weight;

inclusive of the weight of the carriage, except on the section of greatest inclination, where additional power may conveniently, and with little expense, be applied. And that the same power of a single horse, working three hours a day, will convey a carriage with twenty-five passengers, at the speed of nine miles an hour.

That the best mode of constructing the road will be with foundation tracks of granite, having a flat bar of iron secured by bolts to the upper surface of the stone, on which the wheels of the carriage are to move.

That one set of tracks, with suitable offsets and short side tracks, at equal distances on the road, will be sufficient for the convenient accommodation of the travel.

That the expense of constructing the road, in the most thorough manner, with durable materials, will not exceed eight thousand dollars per mile, and with proper additional allowances for offsets and occasional side tracks, the whole expense will fall short of three hundred and fifty thousand dollars, exclusive of the compensation which may be exacted for land taken for the use of the road, which it is suggested will probably be inconsiderable.

That from satisfactory estimates and calculations upon the present travel and occasion of transportation, the nett income of the receipts from the use of the road, after deducting all charges for keeping it in repair, carriages, &c. and upon a saving of one half in the present cost of transportation, will amount to a sum exceeding sixty thousand dollars per annum.

In their report, which makes ninety-four pages of letter paper, the commissioners say: "According to the estimates, the passages of persons will be equivalent to 50,000 over the whole length of the road at \$1 each; the transportation in wagons, equivalent to that of 8,450 tons through the route, 4,625 tons at an average price of \$4.75 per ton, and 3,825 tons, [7½ cents per mile per ton,] at \$3.15, giving the gross receipts of \$84,000,

deducting from which 6,750 for expenses of horses, carriages and drivers for conveying passengers; 3,505 for expenses of heavy transportation; also ten per cent. on these accounts to cover any error by under estimates of these expenses, and allowing 4,000 dollars per annum for superintendence and repairs, making nearly \$15,400; leaves a nett income of little over 68,000 dollars."

The following resolutions passed the house of representatives of Massachusetts, on the 19th Feb. after discussion: 225 yeas, 25 nays:

Resolved, As the sense of the house of representatives, that we approve of the conduct of John Q. Adams, president of the United States, and that we feel a deep and increasing interest in his re-election to that high office, which his talents and patriotism pre-eminently qualify him to fill, with honour to himself and usefulness to his country.

Resolved, That we approve the judicious, honourable, and patriotic course pursued by Henry Clay, in reference to the last presidential election, and that we highly appreciate the fidelity and ability with which he performs the duties of his present elevated station.

Resolved, That we approve the enlightened policy which has characterized the measures of the present national administration, and that, for the support of such measures, we rely with confidence upon the generous co-operation of the other states of the union.

February, 1828.—A resolution was passed, assigning two hundred acres of land to each non-commissioned officer and soldier, who enlisted and served three years during the revolutionary war, and received an honourable discharge.

In February 1828, Gov. Lincoln submitted to the legislature the following message respecting the resolutions passed by the legislature of Georgia relative to the tariff:—

"Gentlemen of the Senate, and of the House of Representatives:

"His excellency, governor For-

syth, of Georgia, has forwarded to me, for the purpose of having laid before this legislature, a report adopted by the two branches of the general assembly of that state, on the subjects of the tariff and of internal improvements. This document denounces as flagrant usurpation, the exercise of the power, on the part of the general government, to encourage domestic manufactures, or to promote internal improvements, and in no equivocal terms of opposition and determined resistance, invites the concurrence of such of the states as may approve of these principles, and gives notice to those who may dissent from them, 'that Georgia, as one of the contracting parties to the federal constitution, and possessing equal rights with the other contracting party, will insist upon the construction of that instrument, contained in said report, and will submit to no other.'

"How far declarations, thus threatening the very existence of the confederacy, are called for by any occasion, or in what better manner they can be met, than with a sad and reproving silence, I respectfully submit to your dispassionate consideration. That they are directly opposed to the sentiments of this legislature, many recent votes and measures will distinctly and emphatically testify.—That they would be disapproved, on reference to our constituents, cannot be doubted. The concurrence of Massachusetts in the political doctrines avowed in the report, could not have been anticipated, and the receipt of the document may therefore the rather be regarded as notice to her of a determination not to submit to that construction of the constitution, which, probably, *will be maintained here*, with a purpose as firm, if not in language as ardent, as shall enforce the resolves of her sister state.

"LEVI LINCOLN.

"Council chamber, Feb. 20. 1828."

The legislature of Massachusetts adjourned, March 13, 1828, after the longest session since the formation

of the government, viz: ten weeks and one day. They passed 114 acts, and a number of resolves.

May 28, 1828.—This day being the last Wednesday of May, which is the commencement of the political year in this state, the legislature convened at Boston. In the senate, after five ballottings, Sherman Leland was chosen president, and in the house, on the third ballot, Wm. B. Calhoun was chosen speaker.

Previous to the choosing of officers, the governor, attended by the council and lieutenant governor, came in and administered the oaths to the members. After the organization of the legislature, all the branches of the government attended divine service, agreeably to the ancient usage, in the old south meeting house, the same which was used as a riding school by the British officers, when stationed in Boston at the commencement of the revolution.

In June 8000 dollars were appropriated for rail road surveys.

The second session of the legislature for the year 1828-9 was productive of the following results, as stated by the Boston Evening Gazette, which gives the following brief history of the session:

The legislature of Massachusetts, on the 5th of March, 1829, were prorogued by the governor, after a session of upwards of eight weeks, during which they passed *only* about twenty acts of a *public* nature, and more than ninety of a private and local character. *Sixty-two* of these related to incorporations of Banks, of Insurance Offices, of Manufacturing and other companies. They have authorized county taxes to the amount of 143,100 dollars, and refused a state tax, the proportion of which, for the same counties, would have been fifty thousand dollars; the state tax being only about one third part of the county taxes.

Mr. Nathaniel Silsbee was re-elected a senator of the United States from the 3d of March, 1829. In the senate the votes were, 30 for Mr. Silsbee,

4 scattering. In the house, 182 for Mr. S., 87 scattering.

GOVERNOR.—Mr. Lincoln was re-elected governor for the year 1829, by a large majority. The legislature convened on the 27th May, 1829. Samuel Lathrop was chosen president of the senate, and William B. Calhoun speaker of the house of representatives; Mr. C. receiving 431 out of 432.

The legislature of Massachusetts was, on the 12th of June, 1829, prorogued by the governor, at the request of the two houses, to the first Wednesday in January next. Twenty-seven acts have been passed during the session, nearly all of which are of a private character. The most important act is that which levies a state tax of 75,000 dollars, to be assessed in proportion to the property owned by each person on the first of May last, it being the first direct tax which has been laid since the year 1824. In the mean time the small amount of funds which belonged to the state has been expended, for defraying the balance of the ordinary charges of the government, after applying to this object the produce of the indirect taxes, and a small debt has been accumulated. A resolve was passed by both houses, requesting the Directors of Internal Improvement to make a further report of such information as they may procure, and which they may judge useful, in relation to the proposed rail roads, at the next session of the legislature.

In 1829 there were 235 incorporated manufactories in this state. A large proportion of them manufacture cotton, wool, and iron; besides these there are incorporated companies for the manufacture of glass, hats, leather, wire, files, lead, duck, pins, soap-stone, cordage, salt, calico, brass, copper, lace, umbrellas, linen, hose, ale and beer, type, cotton gins, cards, glass bottles, paper, lead pipe, &c. The oldest incorporation is in 1794, of a woollen manufactory in Newburyport.

LOWELL.—Twelve hundred females between the ages of 12 and 30 were employed in 1828 in the cotton factories in this place. In July, 1828, seven mills were in operation, and in which there were manufactured weekly over 125,000 yards of cotton cloth; two more mills were ready to receive their machinery when it should be completed; two more were being erected, together with a large building for a carpet factory.

LACE.—There is a lace establishment at Ipswich, Mass. in which 500 persons are employed, principally young ladies, and it is the only establishment of the kind in the United States, where lace is manufactured from the thread.

APPLETON COMPANY.—This Company was incorporated in 1828, with a capital of \$500,000. Since 1828, there has been erected two mills for 4,000 spindles each, with looms, &c.; thirty-six three-story dwelling houses, and a house for the agent, all of brick.

SALT.—By returns made from the several towns in the county of Barnstable, Nov. 1828, to the collector of Barnstable district, it appears that 384,254 bushels of salt have been made in that county the present year—59,196 feet of works have also been built. The largest quantity was made in the town of Yarmouth, being 61,050 bushels.

It is estimated that the total surface of vats in New Bedford and neighbourhood amounts to 1,800,000 square feet. The cost, including the land, is one dollar per foot. From five to six hundred thousand bushels of salt are annually produced, the value of which is at least two hundred thousand dollars. The fixtures constitute not far from four fifths, and labour one fifth the expense of manufacturing.

BOSTON.—The population of Boston, by the census of the U. States, in 1820, was 43,298—by the census taken by the city, in 1825, it was 58,277, making an increase in the five years of 14,979, or annual gain of

nearly 7 per centum. The number of deaths in the year 1822, giving the population at the increase, was 1,203; or 2½ per centum nearly. In the year 1826 the deaths amounted to 1,259, or about 2 per centum on the whole number. In other words, Boston, with a population of over 60,000 inhabitants, in 1826, lost no more by deaths than when it contained 50,000 inhabitants in 1822.

ACCIDENT.—On the 30th April, 1828, a large number of persons who had collected on a platform, to witness the ceremony of laying the corner stone of a new Methodist church, about to be erected in Boston, were precipitated into the cellar of the proposed building, in consequence of the breaking of one of the beams that supported the structure, whereby sixty persons were wounded, from twenty to twenty-five of whom being very much hurt, and three or four dangerously.

MONEYED INSTITUTIONS.—In 1829 there were 16 banks in the city of Boston, having an entire capital of \$15,050,000, and upon which the dividend declared was \$853,625. The amount of paper discounted was

\$85,362,996. The Marine Insurance Company had a capital of \$900,000, and the amount of dividend declared was \$45,000. The Fire and Marine Insurance had a capital of \$4,600,000, and the amount of dividend declared was \$398,900.

FINANCES.—From a report of the receipts and expenditures of Boston for the year 1828, it appears that the amount of the city debt, May 1, 1827, was \$1,011,775, and that May, 1, 1828, it was \$949,350. This was further reduced within the year 1829 to \$637,256, after deducting from this sum \$267,806.76, the amount of bonds and notes held by the city. This debt was chiefly caused by the late valuable improvements made, which yield a large revenue to aid in extinguishing the debt, and which are estimated to be worth \$707,000.

Jan. 3, 1829.—Josiah Quincy, after a most energetic and prosperous administration of the municipal affairs of Boston for six years, took his leave of the corporation.

Harrison Gray Otis, after Mr. Quincy withdrew from the canvass, was elected mayor, having received 2,970 out of 4,546 votes.

VERMONT.

October, 1827.—The legislature met at Montpelier on Thursday the 11th instant, when Robert H. Bates, Esq. was chosen speaker, Timothy Merrill, Esq. clerk of the house, and Norman Williams, Esq. secretary of State. For governor, Ezra Butler received 13,699 votes, and Henry Olin 9,416 for lieutenant-governor. Both were therefore declared to be duly elected.

The following resolution passed the house of representatives in Vermont, on the 31st October, 1827:

Resolved, That in the opinion of this house, the policy adopted by the present administration of the general government, is well calculated to promote the permanent prosperity of the nation, and is approved by the people

of Vermont—and that the election of John Quincy Adams to the presidency of the United States is an object highly desirable.

A large bed of manganese was found in Chittenden township in this state.

The following is a brief abstract of the "general list" for 1827, for the state of Vermont:

Polls,	No.	81,936
Acres of land,		1,082,993
Value of ditto,	dolls.	8,361,231
Houses,	No.	35,986
Value of ditto,	dolls.	6,988,389
Mills, stores, distilleries, &c.	No.	1,979
Value of ditto,	dolls.	1,004,905
Oxen,	No.	41,755
Cows and other cattle—3 yrs. old, "		130,871
2 yrs. old, "		50,835
Horses, mules, &c. (1 year old and upwards,)		51,394
Stallions,	"	413
Jacks,	"	54
Sheep,	"	702,469

Carriages,	No.	799
House clocks of brass,	"	1,758
Gold watches,	"	268
Other watches,	"	3,607
Money on hand and debts,	dolls.	1,242,695
Bank and Insurance stocks,	"	281,342
Attorneys,	No.	147
Physicians, &c.	"	206

There are 817 horses exempted, as cavalry horses, and 7,072 militia polls, other than those equipped, exempted.

The list is to show the taxable property and persons of the state, at the rate of assessment provided by law, which gives no idea of the real value, unless in some cases.

May, 1828.—A destructive fire in the woods in Washington county destroyed a great quantity of timber, and many buildings, &c.

In June, 1828, a convention was held at Montpelier, in pursuance to a call of the board of censors, who had been previously appointed to revise and propose amendments to the constitution of the state. The principal amendments proposed were, to abolish the council, and to establish in lieu of it a senate, which should have concurrent power with the house in originating and passing laws. It has been heretofore contended for by some, and decided by the house of representatives, that the council only had power to concur in the passage of bills, or to propose amendments to them; and that if the council refuses to do either of these things, that the bill became a law by being passed again by the house at the ensuing session, without being sent to council. The council before consisted of twelve councillors, elected by general ticket or by the state at large. In their room it was now proposed to have twenty-eight senators, elected by districts. It was also proposed to amend the constitution relative to the naturalization of foreigners, so that the law of the state should conform to the law of the United States.

The convention, after having continued in session two or three days, adjourned, having adopted none of the proposed amendments, except that which related to naturalization.

In the same month a Jackson con-

vention was held at the capitol. An address was submitted by it to the people, and an electoral ticket was agreed upon. A meeting of the friends of the administration was held at the same time, in which resolutions were passed expressive of the sense of the meeting.

October, 1828.—The legislature convened at Montpelier, and upon the votes being counted, it was declared that the Hon. Samuel C. Crafts was elected governor, and the Hon. Henry Olin, lieutenant governor, for the year ensuing. These gentlemen received a large majority of the votes. The former representatives to congress were re-elected by a large majority, with the exception of Mr. Wales, who was succeeded by Horace Everett, and of Mr. Buck, who was succeeded by William Cahoon.

During the session of the legislature an attempt was made to pass a law for the abolishment of imprisonment for debt, but the attempt was unsuccessful. A resolution was also passed approving of the policy of the administration of president Adams.

In November the election of electors of the president and vice president took place. The Adams ticket received 25,363 votes, and the Jackson ticket 8350.

In the summer of 1829, another Jackson convention met at Montpelier, and nominated Mr. Doolittle as candidate for the office of governor, and Mr. Fitch for that of lieutenant governor.

In August, 1829, an Anti-Masonic convention was held at Montpelier. This convention nominated Herman Allen, former minister to Chili, as candidate for governor, and also nominated a candidate for the office of lieutenant governor, and proposed a ticket of councillors. A committee was also appointed to prepare and submit an address to the people. In September the election of state officers took place. Of the votes for governor, Mr. Crafts received about 14,000; Mr. Allen about 7,000, and Mr. Doolittle about 3,000.

The legislature convened in October, and after a session of about three weeks adjourned. The only law of importance passed was one modifying the militia law, rendering it necessary by statute for the militia to turn out only once a year.

FIFTH CONGRESSIONAL DISTRICT.

—One of the most obstinate elections that has occurred in this state, agitated this district during the last year. At the September election, 1828, three different candidates were run for congress; one by the Jackson party, one by the Anti-Masonic party, and one by those opposed to both these parties. After various attempts, and after the contest had assumed different aspects, from starting new candidates, a choice was at last made in November, 1829, at the eighth trial, of the Anti-Masonic candidate, by a majority of 1,069 votes over his competitor.

EDUCATION.—There are two colleges, two medical schools, and about twenty incorporated academies in the state. In the University of the state, at Burlington, a new course of instruction has been adopted, by which it is left optional with the student to pursue what studies he pleases; but who is only to receive a certificate of his acquirements, unless he goes through with what is styled the full course, which includes the study of the ancient languages, in addition to the modern. Each town is also divided into school districts, in which schools are usually open from three to six months in a year.

SALT.—A company has been formed and incorporated for the purpose of boring for salt at Montpelier. Many thought salt could be obtained there as well as in the western states, and it was concluded to make the experiment. An individual acquainted with the business was procured from Ohio, and the distance penetrated through solid rock is already between seven and nine hundred feet.

BANKS.—There are nine banks in this state. According to the report of the inspector, dated April 1, 1828,

it appears that the banks in operation at that time had paid in \$370,616 capital stock; that they had on hand in specie and specie funds, \$674,904.27, and were authorized by their charters to circulate bills to the amount of \$1,188,498.88, but had in circulation only \$949,844.53.

STATE PRISON.—The number of convicts in the prison on the first of October, 1827, was 134; on the first of October, 1828, it was 123. The convicts are chiefly employed in weaving cotton goods by hand looms, and 180,000 yards were woven during the last year. The disbursements of the prison for the year ending September 30, 1829, exceeded the income received from it, by the sum of \$652.08.

TREASURY.—From the auditor's report for the year ending 30th September, 1829, it appears that the receipts and expenditures were as follows:

RECEIPTS.	
Balance in the treasury at last settlement,	\$8,314 58
Interest on arrearages,	644 72
Cash received of State's attorneys,	1,887 34
On bonds given commissioners of deaf and dumb,	105 00
Agents of foreign Insurance Companies,	201 72
Of clerk of Windsor county, balance of county court fees,	72 26
On dividends of the several banks,	1,862 00
Pedlers' licenses,	799 23
On State Bank debts,	4,330 28
Of principal of school fund,	289 75
Cash received of school fund in treasury last year,	215 43
Cash received, interest on school fund,	827 30
On taxes,	39,942 46
Total,	\$59,492 05

EXPENDITURES.	
Cash paid debentures of last general assembly, and the salaries of the judges of the Supreme Court,	\$14,302 00
Several State's attorneys,	1,619 72
Supreme Court orders,	15,987 14
Auditor's do.	3,725 93
Wolf certificates,	260 10
Commissioners of deaf and dumb,	2,400 00
Superintendents of State Prison,	2,205 40
On special acts,	569 08
Electors of President and Vice President,	78 36
Salaries of the Secretary of State, Clerk of the House, Secretary of Governor and Council, Auditor of accounts, Engrossing Clerk, Governor and Commissioners of School Fund,	2,475 30

Cash applied to School Fund,	8,060 00
Balance in the treasury,	7,809 32

Total, \$59,492 05

COPPERAS.—An extensive mine of the sulphuret of iron, from which the first quality of copperas is obtained, was discovered a few years since on Mill River, in the township of Shrewsbury, by a Mr. Robinson, who sold the same to the Vermont Mineral Factory Company, for the sum of \$5,000. This Company, residing principally in Boston, have been engaged in the manufacture of copperas for twenty-five years past, at Strafford, in the same state. They commenced the manufacture of copperas in Shrewsbury, 1828, and in July, 1829, were manufacturing about a ton and a half per day, and it was estimated

would be able to manufacture enough to supply the United States.

IRON.—Iron of an excellent quality has been discovered in Milton, near Lake Champlain, and also in some other parts of the state.

COMMERCE.—There was exported from the state, during the year 1828, by the Champlain canal, 70 millions sup. feet sawed timber, 1½ millions of cubic feet of round and square timber, 1,159 tons of bar and round iron, 98 pig iron, 161 iron ore, 38 nails, 523 whiskey, 84 pork, 346 lime, 69 beef, 322 marble, 153 wool, 14 corn, 52 flour, 201 wheat, 50 beans, 102 rye, 116 cheese, 89 butter, 112 ashes, 45 manganese, 17 staves, 290 hoop poles and hoops, and other articles.

RHODE ISLAND.

The following was the situation of the Treasury for the six months between Oct. 25th, 1828, and April 29th, 1829.

Balance in the Treasury, October, 1828,	\$11,731 16
Receipts for the six months following, except for free schools,	8,795 92

	\$20,527 08
Expenditures during the same time,	11,673 03
Balance in Treasury to new account,	8,854 05

20,527 08

The Legislature of Rhode Island commenced its session on the 7th inst. The Hon. Job Durfee was chosen Speaker of the House of Representatives, and William S. Patten and William R. Staples, Clerks.

May, 1828.—**BANKS.**—In October, 1828, there were forty-seven banks in the state. Their capital stock paid in, was

Capital stock paid in,	\$6,151,912 00
Deposites,	1,000,595 39
Profits on hand,	165,618 93
Debts due from the banks,	173,139 14
Bills in circulation,	887,969 67
Debts due from directors,	857,890 41
Debts due from the stockholders,	624,519 59
Debts due from all others,	6,026,584 11
Specie,	357,612 07
Bills of other banks,	163,881 50
Deposited in other banks,	150,353 14
Bank and other stock,	74,769 00
United States stock,	32,403 41
Real estate,	218,008 22
Furniture and other property,	9,543 98

SCHOOLS.—In January, 1828, the

Legislature appropriated \$10,000 annually for the support of common schools, to be divided among the several towns in proportion to the population, with authority for each town to raise by annual tax, double the amount of their proportion of the \$10,000. The number of schools established under the act are estimated at 60, and the whole number of schools in the state probably exceeds 650.

BLACKSTONE CANAL.—The canal was opened in October 1828, and the first packet boat arrived at Worcester from Providence with a cargo of canal commissioners, salt, corn, and a throng of ladies and gentlemen. The canal is 45 miles long, its breadth 18 feet at bottom, and 34 upon the surface of the water.

October, 1828. BORING FOR WATER.—Mr. Horton, a gentleman engaged in boring for water in Providence, has presented to the public the following results. In his second experiment he selected the extreme point of a wharf, many yards from the original land. He bored first through the artificial soil, then through a stratum of mud, then through bog meadow, containing good peat, then through sand, peb-

bles, and quartz gravel. At this point, water impregnated with copéras and arsenic broke forth, and upon proceeding farther, at the depth of 35 feet below the bed of the river, he struck upon a vineyard, and drew up vines, grapes, leaves, &c. together with pure water.

The importations of cotton, flour, and grain, into Providence, from the southern and middle states, during the year 1828, for home consumption, amounted to,

Cotton,	41,568 bales.
Flour,	51,113 barrels.
Corn,	425,389 bushels,
Rye,	30,473 do.

September, 1829.—Mr. Burgess and Mr. Pearce were re-elected representatives to Congress.

PROVIDENCE.—This is the great seat of the manufactures of cotton, and is extremely flourishing. In February, 1828, some enterprising inhabitants undertook to make a canal from Providence to Worcester. An arcade, three stories high, with 28 stores on the lower floor, and an equal number of rooms on the second and third, and each front ornamented with six Corinthian pillars of granite, was also erected.

The ground plan of the arcade is in the form of a Latin cross—the body of which, extending from Westminster-street on the north, to Weybosset-street on the south, measures 226 by 72 feet. The *traverse*, forming the arms of the cross, is 120 by 45 feet, making a projection of 24 feet on each side of the main building.

The front, on each street, consists

of a portico in the Ionic order, 72 feet long on the outside, by 15 feet deep, a copy of one of the most celebrated Grecian models.

The porticos, including steps, side-walls, platforms, entablatures, pediment, acroteria, and fastigium, are of hammered granite. The other walls are of common building stone, stuccoed in a superior manner, in imitation of granite. All the interior partitions, from the ground to the roof, are of substantial brick or stone masonry. The floors are securely laid in mortar, and the outside windows protected by iron shutters, so that the building is rendered fire proof. The roof, on each side up to the sky light, is covered by tin.

In addition to these, a steam manufacturing establishment, about 300 feet in length; a large and elegant asylum for the poor; a church, and a vast number of private edifices, are erecting. The whole population of the place is not far from 16,000. The following is a statement of the cotton trade of the place, which was given in October, 1828:

Stock of cotton on hand Oct. 1, 1827, 4,822 bales
Importation from 1st Oct. 1827, to 1st
Oct. 1828, (the amount exported
being deducted,) 40,930 do.

Deduct stock on hand, by account taken 3d September, 1828,	45,558 7,129
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Leaves for amount of consumption, 38,427 bales

NEWPORT.—The lace school in this place is in great prosperity, and affords employment to more than 500 females.

CONNECTICUT.

YALE COLLEGE.—The whole number of the alumni of this institution amounted in 1827 to 4,054. Of which are, 1 vice president of the United States, 2 secretaries of government, 2 postmasters general, 3 foreign ambassadors, 14 governors of states, 14 deputy do., 56 judges of superior courts, of whom 15 are chief judges and chancellors, 24 United States senators, 91 do. representatives, 3 signers of the declaration of independence,

2 bishops, 23 presidents of colleges, 49 professors of do. Of the professors in colleges, 59 are living, 3 now presidents, and 33 acting professors.

COMMISSIONERS FOR CONNECTICUT.

—An act of the legislature for 1827 authorizes the appointment of commissioners for each state in the Union, to take the proof and acknowledgment of all deeds, mortgages, &c., referring to lands in the state of Connecticut; also, all instruments under

seal to be used in said state. The commissioner is further empowered to administer oaths, take depositions to be read in all courts of Connecticut, to examine witnesses under commissions emanating from courts in said state, &c. The acknowledgments taken before the commissioners are declared as valid as if taken before a judge of the supreme court of the United States.

A bill was also passed, by a large majority, prohibiting the sale of lottery tickets not authorized by the legislature of the state, under the penalty of twenty dollars for the first offence, and a fine of fifty dollars, and imprisonment not exceeding six months, for the second.

SCHOOL FUND.—The revenue derived from this fund, during the year ending the 31st of March, 1828, was \$80,243.29. The dividends made to schools from this sum during the year 1828, amounted to \$72,164.16. The following is a statement of the condition of the fund:

In bonds and mortgages,	\$1,454,435 31
Bank stock,	97,850 00
Cultivated lands and buildings,	174,442 73
Wild lands in Ohio, Vermont, and New York,	138,423 95
Farming utensils and stock,	1,750 00
Cash on hand,	15,359 69
Total amount of capital,	\$1,882,261 68

The state is divided into 208 school societies, which, in 1828, contained 84,899 scholars, between the ages of four and sixteen.

ASYLUM FOR THE DEAF AND DUMB.

—This institution is in Hartford. 303 pupils have been received into it since its commencement, of whom 160 have left the school, and 143 were remaining in May 1829. Of 279 pupils, who have enjoyed the benefit of the institution, 116 were born deaf, 135 lost their hearing in infancy or childhood, and 28 were uncertain. The expenses of the institution for the year 1828 were \$22,979.37, and the receipts \$23,041.51, leaving a balance of \$62.18.

The annual charge to each pupil, including board, washing, fuel, stationery, and tuition, is \$150.

In 1829 the state of Connecticut

appropriated \$2000 to the Asylum. The present grant of Massachusetts is \$6500 annually, and which, if not expended for pupils sent to the Asylum for the term of 4 years, may be applied to the continuance of such as are deserving. The states of Maine, New Hampshire, and Vermont, make appropriations for the same purpose.

STATE PRISON.—This contained in 1829, 134 convicts, of whom 24 were under 20 years of age, 78 between twenty and thirty, 14 between thirty and forty, 9 between forty and fifty, 5 between fifty and sixty, 2 between sixty and seventy, and 2 over seventy. The income of the prison, for the year ending April 1st, 1829, was \$9,105.54, and the expenditures for the same time, were \$5,876.13, leaving a gain to the institution of \$3,229.41.

MANUFACTURES.—There were in Connecticut, in 1828, of various kinds of manufacture, 1850, the actual value of which was \$1,042,697, as assessed in 1826. In the fall of 1826, there were no less than 367,098 sheep in the state, which were valued in the assessment list at 405,964 dolls. which will produce on an average three pounds of wool each, making in the sum total 1,201,294 pounds of wool grown in the state.

MIDDLETOWN.—There were in this place, in 1828, twelve manufactories, employing about 400 persons, viz. a cotton factory, with 2000 spindles, a comb factory, 2 of muskets and rifles, and one of pistols, two paper mills, three manufactories of machinery, one of rules and Gunter's scales, and a woollen factory, requiring 100,000 pounds of wool annually, and to which is appended a manufactory of cards.

FARMINGTON CANAL.—The first boat was launched upon this canal on the 20th of June, 1828. A party of 200 ladies and gentlemen embarked on board, on an excursion in celebration of opening the canal.

HARTFORD BANK.—It was discovered in July, 1828, that the bank had been defrauded of upwards of forty thousand dollars, by a clerk of the name of Hinsdale. He had been employed by the bank from eighteen to

twenty years, and had been accustomed, from his first connection with the institution, to make over drafts upon his deposits, and contrived to keep the balance by wrong posting. The money of which he defrauded the bank was, according to his statement, expended in purchasing lottery tickets.

LEGISLATURE.—In June, 1828, it adjourned, after a session of about two weeks, and after the passage of fifty-two acts.

ELECTIONS.—Mr. Tomlinson was elected governor for the year 1827, and was re-elected in 1828 and 1829. In November, 1828, the Adams electoral ticket was elected. In April, 1829, the following gentlemen were elected members of the 21st congress, viz. William W. Ellsworth, Ralph I. Ingersoll, (re-elected,) Noyes Barber, (do.) Jabez W. Huntington, Ebenezer Young, (of Killingly, late speaker of the house of representatives,) and William L. Storrs, (brother of the member of that name from New York.)

TREASURY.—Statement of receipts and expenditures during the year ending April 1st, 1829.

RECEIPTS.	
Balance in the Treasury,	\$25,770 07
Avails of Courts,	78 71
Forfeited bonds, &c.	958 02
Duties on writs and licenses,	10,091 42
Notes, &c.	3,337 42
Dividends on bank stock,	15,530 85
Interest on the United States funded debt	1,659 08
Taxes,	36,948 49
Total of receipts,	\$94,374 06
EXPENDITURES.	
Salaries,	\$9,034 00
Debentures and contingent expenses of General Assembly,	13,484 91
Contingent expenses of government,	8,830 36
Judicial expenses,	23,209 11
Expenses of supporting state paupers,	2,000 00
Warden of state prison, for advances,	2,201 98
Quartermaster General,	747 50
Building committee of state house, at New Haven,	9,201 00
Registered debt discharged for orders paid,	357 87
	\$69,063 73
Treasurer's accounts, audited for payments made by him, viz.	
Abatement on state tax, payable 20th February, 1829,	\$4,478 10
Collecting fees & travel,	1,411 60
	5,889 75
Total of expenditures,	\$74,953 48
Leaving a balance in the Treasury of	\$19,420 58

STATE FUND.

Fund in bank stock, not transferrable	\$327,100 00
Fund in bank stock, transferrable,	52,700 00
do U. States funded debt,	55,302 66

Total fund, \$435,102 66

BANKS. —In 1829, there were 13 banks in the state, and had of,	
Capital,	\$4,472,177 50
Bills in circulation,	1,824,969 26
Cash on hand, in other banks, and specie funds,	1,304,399 89
Real estate, with the exception of the Middletown bank,	148,537 49

STATISTICS OF CONNECTICUT.—

The following statistical table is taken from the books of the Comptroller:

	Total No.	Total val.	Tolland.	Mid. sex.	Litchfield.	Fairfield.	N. Haven.	N. Lond.	Hartford.	Articles.
	41416	\$20095536	2731	3572	6040	7022	5065	5001	5001	Dwelling Houses
	2607869	52231408	233576	192424	311712	326699	340467	319705	404304	Acres of Land
	1597	863939	141	119	209	364	175	333	195	Mills
	1827	1341341	49	146	93	315	319	8	475	Stores
	469	106463	33	146	3	40	8	224	213	Distilleries
	1211	1442878	72	130	66	209	151	199	199	Manufactures
	46	120642		6		2	9		29	Fisheries
	32358	1263800	2285	1941	7040	5418	3375	37176	5001	Horses, Asses, &c.
	219783	3360666	16106	17173	42738	34089	23142	27964	31395	Neat Cattle
	331054	362528	26882	19676	79359	39831	39831	51664	46964	Sheep
		10712	36	328	1362	443	3552	1930	1518	Plate, value
	5048	228374	171	428	686	1112	473	664	1139	Carriages, &c.
	21369	167518	1932	1932	3680	3473	1965	3101	4001	Clocks, &c.
		3064780	66590	312558	168494	202759	738191	238460	1221677	Bank Stock
		92962	540	1970	400	5840	10490	25452	48270	Insurance Stock
		132632	7105	9450	20631	17022	19879	23270	29070	Turnpike Stock
		2002541	102553	74603	395259	559739	348091	128370	253763	Money at Interest
		141173	7079	9880	13894	8456	16893	23487	43737	Assessment
	23276		2006	2724	5237	5412	4105	4566	5257	Polls at \$20 each

NEW YORK.

1828. *Jan. 30.*—Resolutions approving of an augmentation of duties on wool, hemp, and iron, and manufactures therefrom, instructing the senators and requesting the representatives to vote for such an increase as will afford adequate protection to the domestic manufacturer; and declaring that the provisions of the woolens bill of the previous Congress did not afford that protection to the wool grower, passed the House of Assembly, 98 affirmative, 3 negative. They afterwards passed the Senate.

June.—**IRON ORE.**—A bed of iron ore has been discovered near the line of the proposed railway from Ithaca to Owego, N. Y., about nine miles from the latter village. Great masses have been found in a ravine, two feet from the surface. A small specimen, which has been analyzed, has been found to yield 30 per cent. of pure oxide of iron.

July.—**RIOTS.**—A serious riot occurred at Greenwich on the 1st inst. The establishment of Mr. A. Knox, cotton weaver, was entered by forty or fifty journeymen, not in his employ, who insisted upon his raising the wages of his workmen. This was declined. They then went into the factory, where his journeymen were at work at their looms, and commanded them to quit unless their wages were enhanced. They replied, that they were perfectly satisfied with their situations, and should continue in Mr. Knox's employ. The rioters then desired them to cut the webs out of the looms, and throw them away, which being refused, they took the task upon themselves, and actually stripped every loom in the building of its web. Complaint was immediately made, and the offenders punished.

July.—Two or three hundred riggers, stevedores, &c. recently committed some grievous excesses in New York, in consequence of a reduction of their wages. They attacked all per-

sons who were engaged in repairing, or working on board of the vessels in the harbour. In their journeyings about the wharves, they visited the packet ship Sully. Here they were joined by a number of blacks, and after in vain endeavouring to get the men on board to relinquish their employment, they showered a volley of stones upon the vessel, keeping up a continued fire for nearly a quarter of an hour, during which period some of the hands on board suffered considerably, and Capt. Macey was himself so severely injured, that it was with some difficulty he could move his right arm. During the engagement two pistols were discharged from the Sully and one of the rioters was shot in the leg. The ship Amelia was also attacked in the same style, as was the Don Quixote, Capt. J. D. W. Whittall, who received a wound from a large stone on the head. They were finally dispersed by the police, and a number of the principals arrested, and punished.

SALT.—During the year ending 29th November, 1828, there were made at the salt works belonging to the state of New York, as follows:

At Salina,	765,198 bushels.
Syracuse,	159,769 do.
Geddes,	111,149 do.
Liverpool,	123,664 do.

In all, 1,160,000 bushels, on which the state's revenue, at 12½ cents per bushel, amounted to 145,000 dollars. The superintendent's salary, at 2 cts. on the dollar, was 2,900 dollars, and of the inspector's, at 3 mills per bushel, 3,480—leaving the nett revenue 138,620 dollars, or an increase of 20,000 dollars on last year.

It is stated that the amount paid by the salt manufacturers for pumping salt water, more than pays all repairs and expenses for engineering.

December.—**NEW YORK.**—In 1566 the whole number of people in this city was only 1,000, and in 1750, nearly a century after, but 10,000. In 1776 it was 23,619; in 1790, 33,131; in 1800,

60,489; in 1810, 96,373; in 1820, 123,706, and in 1825, (by the last census taken at that time,) 166,086. Of these, it seems, 18,826 were male aliens, 12,565 persons of colour, and 2,085 paupers. Those enrolled for militia duty, (between the ages of 18 and 45,) were 14,956, and those qualified as electors 18,283. Comparing this with the state of the population in 1819, it is found that there had been an increase of 46,429 in six years, equal to 7,738 in one year, 21 in each day; and one in every hour and 9 minutes. During the last 20 years the population of the city has doubled itself.

Besides there is the village of Brooklyn, with 12 or 14,000 inhabitants, that must be regarded as a suburb of the city.

The value of the merchandise, shipped and unshipped, is rated at from 75 to 100 millions of dollars—the merchant vessels in port vary from 5 to 700, foreign arrivals 1,400; coasting 4,000; fifty steamboats make about 7,000 trips annually, and are supposed to carry at least 320,000 passengers, and about 22,000 arrive in coasting vessels. In 1688, the whole vessels belonging to port were,

3 barques, 3 brigantines, 26 sloops and 43 open boats.

In 1828, the chemical works of this city made 500,000 pounds of oil of vitriol, and in 1829 they expect to increase it to nearly a million of pounds. In the same period they have sold 500,000 pounds of alum; and next year it will increase to 800,000. Ten years ago not a pound of this article was made in the United States—it was imported from Germany and England; judging from the demand, the previous sale, and the materials on hand, this establishment is expected to manufacture in 1829, of the following articles, the several quantities set against them:

Blue vitriol,	200,000 pounds.
Saltpetre,	200,000
Aquefortis,	40,000
Refined saltpetre,	500,000
Bleaching salts,	200,000

These are only a few of the leading articles manufactured by the chemical factory. Their list extends to thirty or forty various kinds of drugs and chemical stuffs. In the article of bleaching salts, five years ago, not a particle was manufactured here—now it is nearly 200,000 pounds.

NEW YORK BANKS.

An Abstract from the statement of such Banks in the city of New York, as made returns to the Legislature in 1828.

Names of Banks,	Capital paid in.	Am't of Depos.	Bills in circ'n.	Spe. in vaults
City Bank,	1,250,000	269,215	244,904	68,806
Union Bank,	1,000,000	222,668	200,320	45,754
Tradesmen's Bank,	357,318	248,046	198,140	33,357
Merchants' Bank,	1,490,000	625,992	574,325	122,397
Phenix Bank,	500,000	340,225	297,288	79,073
Franklin Bank,	510,000	235,822	269,404	31,584
Bank of America,	2,031,200	332,238	321,884	184,610
Bank of New York,	1,000,000	796,912	540,955	38,978
Mechanics' Bank,	2,000,000	755,794	607,105	199,114
Nine Banks,	\$10,138,518	3,917,911	3,154,825	362,659

From the most correct authority, the following appears to be the present condition of the 15 Banks in this city, including the U. S. Branch, the capital of which is \$2,500,000:

Whole amount of Bank capital in the city of New York, \$17,830,000, if their deposits, circulation, and specie are now in proportion to the returns above in 1828:

The whole amount of deposits in all the Banks, is	\$6,890,937
The whole amount of their circulation, is	5,547,821
The whole amount of specie in their vaults, is	1,517,004
The earnings of the whole 15 Banks the last year as their dividends show, were not far from	1,193,000
If their discounts were at six per cent., and averaged 60 days, they must have amounted in the year to	119,310,100
Their present amount of discount-	

ed bills, provided it corresponds with the average of the last year, is 19,885,017

From the imperfect returns of 18 Banks in this state in 1828, excluding those in the city of New York, their comparative situations were nearly as follows, viz.

Capitals.	Deposites.*	Circulation.	Specie.
4,071,681	3,382,614	4,155,014	869,450

By individuals, and Banks, &c.

The whole amount of bank capital in the state of New York, exclusive of the city of New York, is 9,924,500

If their deposits, circulation, and specie, are now in proportion to the returns of 1823.

Their whole deposits are equal to 8,123,645

Their whole circulation is equal to 10,127,619

Their whole specie is equal to 827,354

Total amount of bank capital in this state, 27,754,500

Total amount of deposits, 15,014,582

Total amount of circulation, 15,674,940

Total amount of specie, 2,344,358

NOTE.—For other information concerning banks, vide page 37.

ELECTIONS.—In addition to the divisions growing out of the presidential contest of 1828, there was another party in the state of New York, which then began to acquire great consideration, in consequence as well of its numbers as of the high respectability of many of its members. In the last volume of the *Register* we gave an account of the abduction of William Morgan, and of the supposed murder to which his exposure of certain mysteries of masonry had given rise. The re-

Votes for Governor in 1828.

Martin Van Buren,	136,794
Smith Thompson,	106,444
Solomon Southwick,	33,345

port of the special commissioner appointed to investigate the subject will be found among the legislative proceedings in this volume. As the period for the election of governor approached in the autumn of 1828, meetings were held by the opponents of masonry in several of the western counties, and all the ordinary preliminary arrangements required by party discipline were entered into. Nearly at the same time that the friends of the then national executive nominated for governor Smith Thompson, one of the associate justices of the supreme court of the United States, and formerly chief justice of the state, the anti-masonic party brought forward for that office, Mr. Francis Granger, who had also been selected by Judge Thompson's supporters as a candidate to be voted for on the ticket as lieutenant governor. Mr. Granger declined the nomination for the higher office, and by accepting that for lieutenant governor manifested to his friends a desire that an undivided vote should be given against Mr. Martin Van Buren, then a senator in congress, who had been proposed as the candidate for the Jackson party. Another set of anti-masonic candidates were put up in place of those declining, and the result was as follows :

Votes for Lieutenant Governor.

Enos T. Throop,	135,287
Francis Granger,	106,863
John Crary,	33,856

Congressional districts, with the official canvass of the votes for Presidential Electors in 1828.

Districts.	Counties.	Jackson.	Adams.
No. 1	Queens and Suffolk,	3,075	2,847
2	Kings, Richmond, and Rockland,	2,936	1,966
3	New York, treble district,	15,435	9,638
4	Putnam and Westchester,	3,788	3,153
5	Dutchess,	4,680	3,263
6	Orange,	3,798	2,586
7	Sullivan and Ulster,	4,624	2,009
Carried over,		33,336	25,462

* The large amount of deposits in Albany, Troy, and country Banks, is made up in a great

proportion by the heavy deposits with them from other banks and incorporations.

Districts.	Counties.		Jackson.	Adams.
		Brought over,	38,336	25,462
8 Columbia,			3,446	3,642
9 Rensselaer,			4,263	4,650
10 Albany,			3,924	4,195
11 Delaware and Greene,			5,331	3,370
12 Schenectady and Schoharie,			3,740	2,584
13 Otsego,			4,241	3,900
14 Oneida,			5,136	5,817
15 Herkimer,			3,177	2,510
16 Montgomery and Hamilton,			3,778	3,982
17 Saratoga,			2,929	3,545
18 Washington,			2,658	4,085
19 Clinton, Essex, Franklin, and Warren,			4,503	5,042
20 Jefferson, Lewis, Oswego, and St. Lawrence, double district,			9,081	9,164
21 Chenango and Broome,			4,329	3,116
22 Madison and Cortland,			4,136	4,974
23 Onondaga,			4,264	3,796
24 Cayuga,			4,159	2,416
25 Tompkins and Tioga,			5,427	3,755
26 Ontario, Seneca, Wayne, and Yates, double district,			7,011	9,119
27 Monroe and Livingston,			4,631	7,079
28 Allegany, Cattaraugus, and Steuben,			5,347	4,395
29 Genesee and Orleans,			3,256	6,832
30 Chautauque, Erie, and Niagara,			3,660	7,983
Total number of votes,			140,763	135,413

On 1st January, agreeably to the provisions of the constitution, Mr. Van Buren entered on the duties from which he however was soon called to take part in the administration of the government of the Union. But though Mr. Van Buren was only at the head of the affairs of the state for the short period of sixty days, he did not lose the opportunity of distinguishing his administration by an act of legislation, which promises to hold a conspicuous place in the history of New York.

The subject on which the most stress was laid, and on which the governor, in his message, dilated at the greatest length, was that of banking, which was at that period particularly interesting from the circumstance that of the forty banks then in operation in the state, thirty-one would expire within one, two, three, or four years.

Governor Van Buren referred to a plan, which he said had been submit-

ted to him, and which he characterized *as sensible and apparently well considered*, and which he laid before the legislature by a special message.

This measure, strenuously recommended as it was by the governor, was of course passed into a law, and as it, together with the provisions in the revised statutes respecting monied corporations, produced an important change in the legislation of the state on this subject, we will make some observations upon the practical operation of the proposed system. The principle proposed was to compel all the banks to pay an annual tax with the view of creating a fund to meet the deficiencies of insolvent banks.

Discounting on credit, and confining the operations of banking to regular business paper, to be paid at maturity, as well as the requiring of security for the notes put in circulation, formed a part of Judge Forman's plan, (the plan alluded to by Mr. Van

Buren,) as submitted to the legislature. The first part of the proposition is invariably adopted in practice in Europe; and compelling securities for the issues of bank paper, has been strongly recommended by the most able economists, and advocated by the most enlightened statesmen, of England.

The right of coining money is every where considered an attribute of sovereignty; and this power is, by the Constitution of the United States, expressly reserved to the general government. While, however, local institutions continue virtually to supply the currency of the country, there can be no objection, except on constitutional grounds, to the adoption by the States of such measures as may protect their citizens against a depreciated circulating medium. It is evident, that while the notes of the institutions of other States, or those of the National Bank, (which has hitherto been very efficient in preventing the overtrading of other banks,) circulate concurrently with those of this state, the control of the legislature over the currency cannot be absolute. But although, according to the practical interpretation given to the rights of the federal and state governments, neither power exercises that exclusive authority, which would be requisite to establish such a circulating medium, as would be subject to the fewest possible fluctuations in its value; yet the variations, from its excess or contraction, in a paper money, convertible at pleasure into gold and silver, are trifling, compared with those which arise from a general suspension of specie payments, or from the failure of institutions issuing notes. To guard against injury to the community from these sources, a plan by which any association or individuals, giving adequate security, might be authorized to emit their own bills, seems to be all that the state has a right to require from persons undertaking the business of banking; and as this would meet the whole of the evil apprehended, any further regulation might well be

considered an undue infringement on the liberty of every individual, to employ his capital and labour in the manner that he may deem proper.

Provision might be made by law for ascertaining the sufficiency of the security, and notes might be stamped so as to prevent their exceeding the authorized amount. Such a measure is recommended by its simplicity, and by the total absence of any exclusive advantages to one class of citizens over others. It is not only superior with a view to security to the safety fund act of 1829 and to the provisions in the Revised Statutes, but also to the system heretofore pursued in this state, since 1804, by which banking has been rendered a monopoly. If none but business paper was discounted, it is hardly possible that the profits on the issues of banks should not exceed the losses; but even if it happens otherwise, the public under the proposed arrangement would be amply protected against any deficiencies, by the capitals secured in permanent investments.

The Revised Statutes render the directors and stockholders of monied incorporations, created since 1828, as well as those whose charters may be renewed, personally responsible in case of fraudulent insolvency; and they declare that "every insolvency of a monied corporation shall be deemed fraudulent, unless its affairs shall appear upon investigation to have been fairly and legally administered, and generally with the same care and diligence that agents, receiving a compensation for their services, are bound by law to observe; and it shall be incumbent on the directors and stockholders of every such insolvent corporation, to repel, by proof, the presumption of fraud." This law was compiled at a period of great excitement, to meet the cases of fraud that occurred in 1826, and to which the numerous joint stock companies were supposed to have given rise. It has the defects that laws passed under such circumstances usually evince, and was admirably calculated, by the

onerous conditions which it imposed, to prevent any man of property from having any participation in these institutions.

The act of the session of 1829, creating a bank fund, removes the liability of the stockholders, as established in the Revised Statutes, but retains the provisions respecting the directors. All the new banks and those whose charters are renewed, are moreover required to pay into the state treasury a tax of one half of one per cent. on their respective capitals, till a fund equal to three per cent. on their capital stock shall be created; at which amount it is to be permanently kept, by making further payments when necessary. On this fund all deficiencies of insolvent banks are to be charged, and a board of three commissioners, (two to be appointed by the banks, one by the state,) possessing inquisitorial powers, is directed to be formed.

The probable results of this system are sufficiently obvious. Its primary effect will, of course, be to give the same or nearly the same credit to the banks of the interior, and of the smallest capitals, as to those of the city of New York. The former institutions tempted by the profits of an extended circulation, will be induced to issue their notes to an inordinate extent, not on regular business paper, the repayment of which would meet the calls for the redemption of the notes, but on loans of doubtful security and indefinite duration. The smallest evils growing out of the system, will be the driving the notes of the city banks from that share of circulation to which their business fairly entitles them; but, while these excessive issues degrade the value of the whole currency, as well specie as paper, and by rendering the exchange unfavourable, lead to the exportation of gold and silver, the institutions in good credit will be afraid to apply the efficient corrective, a demand for specie, lest such an application should lead to a declared insolvency, which they, not the culprit institutions, would in

the end be obliged to make good. Prudent banks, finding that they are taxed for the improvidence of their neighbours, will also take the chance of profiting by fortunate speculations, the hazards of which they must, in any event, necessarily incur; and thus our whole monetary system may be thrown into inextricable confusion.

It is not, indeed, going too far to suppose, the bank fund being limited to half per cent. per annum, that the very insolvencies, above those which would otherwise take place, growing out of the new temptations to excessive issues, will be beyond the abilities of the fund to meet, and that thus the professed object of the plan—to protect the innocent holders of bank notes—will be wholly defeated.

It is due to the projector of the safety fund, again to state that, in addition to the provision which has just been examined, he proposed to confine the banks to the discounting business paper, and to compel them to invest their capital in bonds and mortgages on public stocks. These regulations would have of course very greatly diminished the danger of insolvent banks making an improvident use of the guaranty created for them; but unfortunately the legislature omitted the salutary, and only adopted the objectionable portion of Judge Forman's plan.

ABDUCTION OF MORGAN.

Report of the Special Counsel—to his Excellency the Governor of the State of New York.

The undersigned having received a commission from the executive department of the government, under the act passed on the 15th April, 1828, deems it proper, as well to comply with what may be considered an implied requisition of the law imposing special duties, as to meet a reasonable public expectation, to report to that department the progress which has been made under it, so far forth as the present condition of the subject renders it practicable.

In proceeding to "institute inquiries concerning the abduction of Wil-

liam Morgan and his fate subsequently thereto," as enjoined by the act, the first question which presented itself was, whether the statute contemplated an original and primary course of legal prosecution, or to embrace the subject in its subsisting condition? At the time of the passage of the law, one indictment in relation to the transaction, had already been brought to a successful termination, and others had been recently presented before the proper tribunals. To disregard these and to commence anew, would seem to be a work of supererogation, and to a certain extent, would render the law *ex post facto* in its operation. The alternative was to proceed with the investigation in the suits already instituted, and this has been done in those cases in which there was good reason to believe they were founded upon a sufficient legal basis.

In relation to the first branch of the inquiry, the prosecutor has proceeded with as much diligence as the facilities afforded by the organization of the courts of law would admit.

One indictment has been tried, which resulted in the conviction of the party charged, and in which suit a question of law was reserved for the decision of the supreme court. At the sittings of the court of oyer and terminer in and for the county of Niagara, in November last, several other causes were prepared and ready for trial, but which were necessarily postponed, upon the application of all of the defendants, in consequence of the absence of witnesses whose testimony was proved to be material. Two other indictments have been delayed in consequence of the sittings of courts in different counties in the same week, and the intrinsic difficulties attending them. However desirable it might have been to have brought this investigation to a close during the current season, the delay arises from the necessary imperfections of human systems, a sacred regard to the principle that every one is presumed to be innocent until his guilt is established, and the preservation of rights, which men,

though charged with crime, may constitutionally protect.

The voluminous nature of the testimony taken, would seem to forbid its introduction into a communication of this kind; besides it is somewhat inchoate and would be *exparte* in its statement. Certain facts, however, appear to be affirmatively established. In pursuing their investigations in the physical sciences, men yield not their assent to propositions until their truth is evinced by experience and demonstrations. But in asserting civil rights, and in the conviction and punishment of offences against the laws, we necessarily resort to and rely upon human testimony. When this goes to establish a fact beyond reasonable doubt, it entitles itself to belief, and upon this foundation rest our civil institutions.

From testimony thus disclosed, it appears that William Morgan, a citizen of this state, was taken from the gaol of the county of Ontario, into which he had been committed under circumstances of peculiar aggravation and cruelty; and was from thence transported, under duress of imprisonment, a distance of about 120 miles to the county of Niagara, and was placed in confinement in the magazine in fort Niagara, situated at the confluence of the Niagara river with lake Ontario, on the morning of the 14th of September aforesaid.

Here are the boundaries of the testimony. As to "his fate subsequently thereto," it is not yet developed; nor can it be anticipated, with much confidence, to be judicially determined by any tribunal over which men have control.

It is not believed to be in the legitimate purpose of this report, to speak of societies or denominations of men, but of men as individuals, citizens of a commonwealth. As such, and many of them acting in concert upon their own responsibility, they manifested the deliberate purpose of withdrawing the subject of these inquiries from the protections of the laws and the government under which he lived, and

subjecting him to the control of themselves, and to be placed at the mercy of their own passions. He had offended against no law, recognised in the code of any civilized nation, and was taken away without any legal process or pretence of authority.

At the time of the commission of this offence, and until the passage of the law of 6th April, 1827, by which similar offences were made felony, and punishable by imprisonment in the state prison not exceeding fourteen years, it amounted only to a misdemeanor. Three of the agents in the transaction were subjected to trial soon after its occurrence, and promptly met the retributions of the law, at a court of oyer and terminer held in January, 1827, and were sentenced to imprisonment in the county gaol for different periods; the term of one of which is yet unexpired.

From this statement, it will be perceived what progress has been made under the act; and, so far as the testimony warrants, the nature of the transaction.

DANIEL MOSELEY.

Onondaga, Dec. 25, 1828.

COMMON SCHOOLS.—The annual reports of the secretary of state in relation to common schools for 1827 and 1828, presented the following results:

Number of school districts	1827	1828
In the state reported,	8,298	8,609
New school districts formed within the year,	179	311
Children between the ages of five and fifteen within those districts,	419,216	449,113
Children instructed in the common schools in same,	441,856	468,205
Money paid to school districts,	\$222,996	\$232,343
Which was paid as follows:		
From state treasury,	100,000	100,000
" taxes on towns,	110,542	119,209
" local funds in certain towns,	12,454	13,134

The productive capital of the school fund at the commencement of 1828 amounted to \$1,630,825, besides 880,000 acres of land, valued at \$411,288. During the year 1828, the productive capital was increased \$61,854, by sales from the lands amounting to \$33,226, and the residue from escheated lands and premium on bank stock.

COMMON SCHOOL FUND.

THIS FUND CONSISTS OF THE FOLLOWING ITEMS:

Bonds and mortgages for school fund lands sold,	\$201,611 65
do. do. for escheated lands in the military tract,	23,607 81
Balance due on loan of 1786,	30,095 21
do. do. 1792,	332,564 35
do. do. 1808,	426,303 54
Canal stock, bearing an interest of 5 per cent.,	320,000 00
3600 shares in the stock of the Merchants' bank,	\$180,000 00
1000 do. do. Manhattan Company,	50,000 00
2000 do. do. Middle District bank,	50,000 00
	280,000 00
Money in the treasury, being balance of receipts from the capital,	70,446 24
	<u>\$1,684,628 90</u>

To this fund also belong all the unappropriated lands owned by the state on the 1st of January, 1823, and yet remaining unsold.

THE REVENUE FROM THIS FUND IS ESTIMATED AS FOLLOWS:

Interest on the loan of 1786,	\$2,000 00
do. do. 1792,	20,000 00
do. do. 1808,	24,000 00
Interest on bonds taken for escheated lands,	1,200 00
do. do. school fund lands,	20,000 00
do. on canal stock,	16,000 00
do. on money in the treasury to be invested,	3,000 00

Probable receipts on account of debts for fees of the clerks of the supreme court,	1,000 00
Dividend on Merchants' bank stock,	11,500 00
Manhattan do.	3,500 00
Middle District do.	3,000 00
	<hr/> \$105,200 00

The following table also shows the progress of the common school system in this state :

A comparative View of the returns of Common Schools, from 1816 to 1828, inclusive.

The year in which the report was made to the legislature.	No. of towns from which the returns were made.	Whole No. of school districts in the said towns.	Number of school districts from which returns were received.	Amount of public moneys received in the said towns.	No. of children taught in the school districts making returns.	No. of children between 5 and 15 years of age residing in those districts.	Proportion of the number of children taught to the number of children reported between the ages of 5 and 15 years.
1816	338	2755	2631	\$55720 98	140106	176449	4 to 15
1817	355	3713	2873	64834 88	170386	198440	6 to 7
1818	374	3264	3228	73235 42	183253	218969	5 to 6
1819	402	4614	3844	93010 54	210316	235871	8 to 9
1820	515	5763	5118	117151 07	271877	302703	9 to 10
1821	545	6332	5489	146418 08	304559	317633	24 to 25
1822	611	6659	5882	157195 04	332979	339258	42 to 43
1823	649	7051	6255	173430 60	351173	357029	44 to 45
1824	656	7382	6705	182820 25	377034	373208	94 to 93
1825	698	7642	6876	182741 61	402940	383500	101 to 96
1826	700	7773	7117	182790 09	425586	395586	100 to 93
1827	721	8114	7550	185720 46	431601	411256	105 to 100
1828	742	8298	7806	222995 77	441856	419216	96 to 91
1829	757	8609	8164	232343 21	468205	449113	25 to 24

COMMON SCHOOLS.—Our system of common school instruction is based upon the principle that the state, or the school fund, will pay only a share of the expense; and that the towns, by an assessment upon property, shall pay at least an equal share. In addition to this, and in order to enjoy the benefits of the public money, the inhabitants of the districts are required to tax themselves to the erection of a school house, and furnishing it with necessary fuel and appendages.

In order to ascertain more fully the practical operation of the system, an additional column was annexed to the forms for school reports, which accompanied the revised statute, requiring trustees to return the amount paid annually for teachers' wages, over and above the sum received from

the state treasury, and from the town tax.

The returns which have been received are from various towns in 51 counties; and the sum thus ascertained, compared with the amount of public money paid to the same districts, affords a very fair test for ascertaining the proportion paid by the inhabitants of the districts for tuition. Taking these returns as a test, and it appears that \$336,643 have been paid for teachers' wages, besides the \$232,343 of public money apportioned to the districts; making a total amount paid the last year for tuition, in the common school districts of the state, of \$568,986.

Returns have been received of the condition of the common schools, from the commissioners of every town

and city in the state. In former years it was not unusual to have 15 or 20 towns delinquent. It is gratifying to notice this evidence of increased attention and punctuality on the part of those, who are charged with the execution of the statute: And when it is considered that there are at least 46,000 officers of common schools in the towns and districts, the fidelity with which the public money is applied and accounted for, and the faithfulness with which the system is carried into effect, are creditable to the character of our population.

FOR 1827.

MILITIA OF THE STATE OF NEW YORK.—Abstract of the annual report of N. F. Beck, adjutant-general, made to the legislature:

Infantry and Riflemen—29 divisions, 61 brigades, 258 regiments, 2,013 companies, 116,614 privates—Total, 144,839.

Artillery—4 divisions, 9 brigades, 29 regiments, 168 companies, 8,537 privates—Total, 1,880.

Cavalry—3 divisions, 7 brigades, 18 regiments, 100 companies, 4,669 privates—Total, 5,667.

Horse Artillery—3 brigades, 6 regiments, 32 companies, 1,225 privates—Total, 1,604.

Companies attached, &c.—21 companies, 1,084 privates—Total, 1,456.

AGGREGATE.	
Cavalry,	5,667
Horse Artillery,,	1,604
Artillery,	9,880
Infantry,	144,839
Companies,	1,456
	163,446

FOR 1828.

Infantry and Riflemen—31 divisions, 63 brigades, 274 regiments, 2,164 companies, 122,853 privates—Total commissioned and non-commissioned officers, musicians and privates, 152,633.

Artillery—4 divisions, 10 brigades, 22 regiments, 129 companies, 5,611 privates—Total commissioned and non-commissioned officers, privates and musicians, 10,763.

Cavalry—3 divisions, 7 brigades,

19 regiments, 83 companies, 3,426 privates—Total, 4,905.

Horse artillery—3 brigades, 6 regiments, 31 companies, 1,148 privates—Total, 1,531.

Companies of artillery, cavalry and riflemen, attached to different brigades of infantry—42 companies, 1,262 privates—Total, 2,461.

AGGREGATE.	
Cavalry,	4,905
Horse artillery,	1,531
Artillery,	10,763
Infantry, including 26,634 riflemen,	152,633
Companies,	2,461
	172,293

FINANCES.—The annual reports of the comptroller for 1827 and 1828, presented the following statements of the finances of the state. There are four funds belonging to the state, viz. the general fund, canal fund, common school fund, and the literature fund.

General Fund.	1827.	1828.
Canal stock	\$300,000	\$280,000
Bank of America stock	60,800	60,800
" Hudson "	15,000	15,000
" Columbia "	20,000	20,000
Mechanic and Farmer's bank	10,140	10,140
Mohawk	5,000	5,000
New York State	16,800	16,800
Bonds and mortgages		
" for lands sold	836,453	818,826
" for loans	406,297	395,101
" for debts due the state	23,320	23,320

The revenue of this fund amounted to 174,921 154,854

The items of the canal fund consist of certain lands granted for the construction of the canals; the proceeds of the canal tolls; the salt tax; and part of the auction duty.

Revenue for 1827, \$1,230,247, for 1828, \$1,206,552.

The items of the literature fund consist of,

	1827.	1828.
Bonds for lands sold	\$102,921	\$100,378
" for loans	6,700	6,700
Money in the treasury	2,954	5,955
Stock in N. Y. State bank	16,212	16,212
Do. in Albany Insurance Co.	10,000	6,000
Loans to individuals	9,070	19,070
Public Stock	183,248	102,643
The revenue was estimated at	16,574	21,074

The items of the common school fund have been already given.

The balance in the treasury, Dec. 1st, 1826, amounted to \$366,012

Receipts during the year, ending Nov. 30th, 1827. 1,705,337 1,938,006

Expenditures 1,908,558 1,938,952

For the following items:

Expenses of government 146,156 184,036

 " of state prisons 43,701 54,103

Indian expenses 18,063 18,004

Miscellaneous expenses of government	1827.	1828.
Special appropriations, particular funds and temporary expenses	115,290	107,857
	1,585,348	1,574,862

Table of the revenue from the general fund, and the expenses of the government, for 14 years.

	Revenue.	Expenses.	Deficit of Revenue.
1815 no state tax	317,745 82	472,905 72	155,159 90
1816 2 mill tax	952,476 52	642,790 42	
1817 do.	797,252 81	547,211 60	
1818 do.	799,865 95	593,635 00	
1819 1 mill tax	503,046 74	424,800 00	
1820 do.	481,204 60	433,300 00	
1821 do.	444,801 44	368,500 00	
1822 do.	421,194 72	329,300 00	
1823 do.	432,546 68	266,800 00	
1824 do.	458,527 36	297,200 00	
1825 1-2 mill tax	271,081 70	238,100 00	
1826 do.	255,450 00	257,500 00	2,050 00
1827 no state tax	193,750 00	290,500 00	96,750 00
1828 do.	159,590 00	335,000 00	175,450 00

Table of annual increase or diminution of state debt, for 11 years.

	Increase.	Diminution.
Annual report of 1815	300,000 00	
do. 1816	1,300,000 00	
do. 1817		198,350 00
do. 1818		195,247 50
do. 1819		980,087 50
do. 1820		240,000 00
do. 1821		210,000 00
do. 1822		106,000 00
do. 1823		130,000 00
do. 1824		773,277 19
do. 1825		276,722 81
do. 1826		
Total diminution		3,103,585 00
Deduct total increase		1,600,000 00
Nett diminution		1,503,685 00

CANALS.—The comptroller's and canal commissioners' reports for 1827 and 1828 presented the following results:

Total expenditure on canals, previous to and in 1827, was \$10,341,149; in 1828, \$234,483.

	1827.	1828.
Revenue from tolls	\$859,038	\$838,412
" " auction duty	290,290	223,687
" " salt duty	130,656	138,128
Payments for water-powers and land	2,463	33,207

Expenditure, by canal com-

missioners,		
" on loans for interest	399,275	424,010
" repairs, expenses, &c.	399,230	392,142
" new canals	220,593	186,135
Excess of revenue	271,448	231,147

During the year 1828, the works on the Oswego canal, with a trifling exception, were completed, and a good boat-navigation extended from the Erie canal to the harbour of Oswego. Owing to the extraordinary floods, and the prevalence of a fatal malady on the line of the canal, the completion of this work was delayed, beyond the expectation of the commissioners, until the month of December.

The Oswego canal is 38 miles in length; one half the distance connected with the Oswego river by locks and dams, and the other half a slack water navigation on the river. Its structure consists of 22 bridges, 7 culverts, 1 aqueduct, 2 waste-wiers, 8 dams across the river, 13 locks of stone and 1 of stone and timber, with an aggregate lift of 123 feet. The sum of \$505,115.37 has been already paid for the construction of this canal, which will be increased to \$525,115.37.

The Cayuga and Seneca canal was completed on the 15th of November last, and the water admitted into every part of the line, from the foot of the Seneca lake to the Erie canal, at Montezuma. The little labour required to open the navigation throughout the whole line, it is believed, will be completed as early as the first of May. This canal is 20 miles and 24 chains in length, of which ten miles is an independent canal, and the remainder a slack water navigation. It has 7 locks, being 73½ feet lockage, 19

bridges, 5 safety gates, 5 dams, 6 culverts, 17 miles of fence, 3 lock houses, and 1 collector's office. The amount appropriated for this work was \$195,000; but the entire expenditure will be about \$211,000.

The lateral canal from the Cayuga and Seneca canal to the village of East Cayuga, which is one mile and 68 chains in length, was put under contract early in May, 1829. It will require a further appropriation of \$8,000.

Statement of the amount of property which passed Utica on the Erie canal, during the years 1827 and 1828.

Articles.	1827.	1828.
Domestic spirits, galls.	2,170,077	2,504,524
Sawed lumber, feet,	16,228,322	22,066,603
Timber, "	160,483	242,833
Shingles, "	8,780,000	36,582,000

Staves, feet,	4,684,882	11,006,100
Wheat, bush.	1,290,552	554,768
Coarse grain, "	185,534	122,896
Flax-seed, "	1,050	614
Peas and beans, "	5,262	8,171
Flour, bbls.	422,321	348,561
Provisions, "	54,123	61,350
Salt, "	36,713	62,921
Ashes, "	20,159	16,259
Kelp, "	514	166
Oil, "	152	427
Lime, "	8,612	7,299
Beer, "	676	1,770
Grass seed, tons,	117	140
Wool, "	124	201
Gypsum, "	1,847	930
Clay, "	354	554
Stone, "	7,669	15,257
Cheese, "	362	529
Butter and lard, "	864	1,055
Hops, "	367	212
Fur and peltry, "	83	86
Tallow, "		106
Buhr stone, "		322
Household furniture, "	1,442	2,530
Merchandise, "	24,439	33,338
Wood, cords,		6,207

The number of tons estimated for 1827, 194,091
" " 1828, 214,110

Statement of Sales at Auction in the State of New York, from 1810 to 1829 inclusive, from returns made by the Auctioneers to the Comptroller's Office.

YEARS.	Amount of duties.	Amount of sales dutiable.	Amount of sales not dutiable.	TOTAL.
1810	\$126,404 62	\$5,602,662 59	\$510,760 28	\$6,113,422 87
1811	110,220 76	4,393,987 51	342,155 24	4,736,142 75
1812	124,236 92	5,203,566 67	425,451 30	5,629,017 97
1813	156,481 05	6,001,162 40	1,051,646 40	7,052,908 80
*1814	86,067 76	3,527,155 88	387,631 12	3,914,787 00
1815	182,936 57	12,124,054 76	1,037,695 01	13,161,749 77
1816	171,907 40	11,349,826 07	765,889 76	12,115,715 83
1817	199,123 38	12,472,446 92	726,165 73	13,198,612 65
1818	176,032 24	11,873,658 42	1,614,418 83	13,488,077 25
1819	141,570 96	9,538,202 51	1,727,356 31	11,265,553 82
1820	153,999 86	10,182,967 00	1,833,229 75	12,016,196 75
1821	154,543 92	10,525,791 05	1,819,484 72	12,345,275 77
1822	180,761 68	12,340,127 54	1,798,880 88	14,139,208 42
1823	208,254 01	13,754,821 57	3,117,128 86	16,871,950 43
1824	226,218 13	15,716,432 28	3,587,586 48	19,304,019 36
1825	285,037 62	19,713,686 67	4,530,600 69	24,244,287 36
1826	242,610 06	16,328,198 52	4,722,154 73	21,050,353 25
1827	247,808 24	16,401,643 68	3,063,576 64	19,465,220 32
1828	257,180 40	17,449,544 64	8,590,116 29	26,039,660 93
+1829	242,552 54	16,536,906 60	8,685,802 29	25,222,708 89
Total	\$3,674,148 12	231,036,843 88	50,337,731 31	281,374,575 19

* The returns of sales for 1814 having been mislaid at the Comptroller's office, the amounts are stated by estimating the average of the four preceding years in proportion to the duties paid, as ascertained.

† The amount of real estate sold in 1829, (included in the above not dutiable,) was \$2,131,390.62.

Valuations of Real and Personal Estates in the several Counties of New York, for the year 1828.

[Those Counties in Italics are returns for 1827.]

<i>Counties.</i>	<i>Real Estate.</i>	<i>Personal.</i>	<i>Total.</i>
Albany	\$7,258,005	\$3,380,310	\$10,668,315
*Allegany†			1,600,000
Broome	1,459,795	129,003	1,588,798
Cattaraugus,			1,128,788
Cayuga	3,517,574	609,560	4,127,134
Chautauque	1,754,350	43,897	1,798,247
Chenango†			3,461,579
Columbia	8,313,656	1,329,243	9,642,899
Cortland	1,970,260	170,145	2,140,405
Delaware	2,794,921	247,208	3,042,129
<i>Dutchess</i>	12,584,355	2,867,871	15,452,226
Erie†			2,676,000
<i>Essex</i>	1,258,246	70,260	1,328,506
Franklin	844,872	16,976	861,848
Genesee	3,956,793	328,825	4,285,618
Greene	3,031,605	327,530	3,359,135
Herkimer	4,221,605	505,696	4,727,201
Jefferson	2,393,051	172,023	2,565,074
Kings	6,177,731	1,504,989	7,682,720
Lewis	1,356,638	44,362	1,411,000
Livingston	3,098,906	228,628	3,327,534
Madison†			4,362,044
Monroe	5,191,643	524,823	5,716,466
Montgomery	4,104,106	616,341	4,720,447
New York	72,617,770	39,594,156	112,211,926
*Niagarat			1,400,000
Oneida	8,001,914	2,018,024	10,019,938
Onondaga	4,812,973	345,453	5,158,426
Orange	7,273,817	1,336,695	8,610,512
Orleans	1,442,686	43,384	1,486,070
Ontario	5,696,240	625,087	6,321,327
Oswego	1,941,692	60,314	2,002,006
Otsego	4,864,963	672,756	5,537,719
Putnam	1,912,229	329,221	2,241,450
Queens	4,948,730	1,708,650	6,657,380
Rensselaer	6,672,902	2,643,027	9,315,929
Richmond	621,215	102,064	723,279
Rockland	1,521,735	268,990	1,790,725
Saratoga	5,120,919	634,694	5,755,613
Schenectady	1,578,027	371,225	1,949,252
Schoharie	2,226,000	175,016	2,401,016
Seneca	2,729,738	159,639	2,889,377
St. Lawrence	2,483,426	79,546	2,562,972
Steuben	1,408,889	61,572	1,470,461
Suffolk	3,948,642	695,880	4,644,522
Sullivan	1,187,800	56,036	1,243,836
Tioga	2,104,301	144,182	2,248,483
Tompkins	3,078,115	355,225	3,433,340
Ulster	4,203,635	477,568	4,681,203
Warren	924,983	39,324	964,307
Washington	5,059,425	639,986	5,699,411
Wayne	2,922,426	116,743	3,039,169
Westchester	7,768,979	1,421,637	9,190,616
Yates	1,540,203	75,418	1,615,621
	245,932,486	68,379,102	
† Add estimate } for 6 counties, }	11,628,411	3,000,000	
Total	\$257,560,897	\$71,379,102	\$328,939,999

Governors and other Chief Magistrates of the Colony and State of New York, from 1629 to 1829.

DUTCH GOVERNORS.

Wouter Van Twiller, from 1629 to 1638.
 William Kieft, " 1638 to 1647.
 Peter Stuyvesant, " 1647 to 1664.
 Anthony Colve, from Oct. 14th, 1673, to Feb. 9th, 1674.

ENGLISH GOVERNORS.

Richard Nicolls, from Sept. 7, 1664 to 1667.
 Francis Lovelace, from 1667 to Oct. 1673.
 Sir Edmund Andross, from 1674 to 1681.
 Anthony Brockholst, " 1681 to 1683.
 Thomas Dongan, " 1683 to 1688.
 Francis Nicholson, " 1688
 Jacob Leisler, (Lt. Gov.) from 1689 to 1691.
 Henry Sloughter, " 1691
 Richard Ingolsby, (Lt. Gov.) 1691.
 Benjamin Fletcher, from 1692 to 1698.
 Richard, Earl of Bellamont, from 1698 to 1701.

John Nanfan, Lt. Gov. from 1701 to 1702.
 Lord Cornbury, from 1702 to 1708.
 Lord Lovelace, " 1708 to 1709.
 Richard Ingolsby, (Lt. Gov. 1709.
 Gerardus Beekman, (President), 1710.
 General Hunter, from 1710 to 1719.
 Peter Schuyler, (Pres.) from 1719 to 1720.
 William Burnet, " 1720 to 1728.
 John Montgomery, " 1728 to 1731.
 Rip Van Dam, (Pres.) " 1731 to 1732.
 William Crosby, " 1732 to 1736.
 George Clark, " 1736 to 1743.
 George Clinton, " 1743 to 1753.
 James Delancy, (Lt. Gov.) 1753
 Danvers Osborn, " 1753 to 1755.
 Sir Charles Hardy, " 1755 to 1757.
 James Delancy, (Lt. Gov.) 1757 to 1760.
 Cadwallader Colden, (Lt. Gov.)
 from 1760 to 1762.
 Robert Monckton, " 1762 to 1763.
 Cadwallader Colden, (Lt. Gov.)
 from 1763 to 1765.
 Henry Moore, " 1765 to 1770.
 John Earl of Dunmore, " 1770 to 1771.
 William Tryon, " 1771 to 1775.

[Colonial government suspended May, 1775, from which time to April, 1777, New York was governed by a provincial Con-

gress. Nathaniel Woodhull elected President of the Congress. August, 1775. The State Government went into operation after the adoption of the Constitution, April 20, 1777.]

GOVERNORS ELECTED BY THE PEOPLE.

George Clinton, from 1777 to 1795.
 John Jay, " 1795 to 1801.
 George Clinton, " 1801 to 1804.
 Morgan Lewis, " 1804 to 1807.
 Daniel D. Tompkins, " 1807 to 1817.
 John Tayler, (Lt. Gov.) " 1817
 De Witt Clinton, July 4th, 1817 to 1822.
 Joseph C. Yates, " 1822 to 1824.
 De Witt Clinton, " 1824 to 1828.

Nathaniel Pitcher, (Lieut. Gov.) from the death of Gov. Clinton, Feb. 9th, 1825, to 1st January, 1829.

Martin Van Buren, from 1st January to March, 1829, when he resigned on being appointed Secretary of State.

Enos T. Throop, (Lieut. Governor,) from 1829.

SUMMARY.

From the above statement it appears, that three Dutch governors presided over the colony of New York, from its settlement in 1629 to 1664, when it was taken by the English, and one do. (Mr. Colve,) for the few months it was held by the Dutch on a recapture in 1673. With the exception of those few months, the English held the colony about 111 years, viz. from 1664 to the American Revolution, in 1775; during which time thirty-four governors, presidents, &c., administered the government. Under the State government it will be observed, that only seven different persons have been elected governor by the people, viz. George Clinton, presiding 21 years, John Jay, 6 years, Morgan Lewis, 3 years, Daniel D. Tompkins, 10 years, De Witt Clinton, 9 years, Joseph C. Yates, 2 years, and Martin Van Buren 2 months.

Three Lieut. Governors have acted as Governors, viz.: John Tayler, Nathaniel Pitcher, and Enos T. Throop.

Table showing the number of votes at Elections for Governor of the State of New York, from 1789 to 1828, from the Official Returns in the office of the Secretary of State.

Year.	Candidates.	Votes.	Majority.	Whole No. of votes.
1789	George Clinton	6,391		
	Robert Yates	5,962	329	12,353
1792	George Clinton	8,440		
	John Jay	*8,332	108	16,772

Excluding the votes of Clinton, Oswego, and Tioga counties, which were not canvassed.

NEW YORK.

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1795	John Jay	13,481		
	Robert Yates	11,892	1,589	25,373
1798	John Jay	16,012		
	Robert R. Livingston	13,632	2,380	29,644
1801	George Clinton	24,808		
	Stephen Van Rensselaer	20,843	3,965	45,651
1804	Morgan Lewis	30,829		
	Aaron Burr	22,139	8,690	52,968
1807	Daniel D. Tompkins	35,074		
	Morgan Lewis	30,989	4,085	66,063
1810	Daniel D. Tompkins	43,094		
	Jonas Platt	36,484	6,610	79,578
1813	Daniel D. Tompkins	43,324		
	Stephen Van Rensselaer	39,718	3,606	83,042
1816	*Daniel D. Tompkins	45,412		
	Rufus King	38,647	6,765	84,059
1817	De Witt Clinton	43,310		
	Peter B. Porter	1,479		44,789
1820	De Witt Clinton	47,447		
	Daniel D. Tompkins	45,990	1,457	93,437
NEW CONSTITUTION.				
1822	Joseph C. Yates	128,493		
	Solomon Southwick	2,910		131,403
1824	De Witt Clinton	103,452		
	Samuel Young	87,093	16,359	190,545
1826	De Witt Clinton	99,785		
	William B. Rochester	96,135	3,650	195,920
1828	Martin Van Buren	136,794	}	276,283
	Smith Thompson	106,444		
	Solomon Southwick	33,345		

* Resigned 1817, being chosen Vice President of the United States.

NEW YORK CITY.

PROGRESS OF STOCKS IN THE CITY OF NEW YORK.

Year.	<i>Banks.</i>		<i>Marine Insurance.</i>		<i>Fire Insurance.</i>	
	Capital.	Dividend.	Capital.	Dividend.	Capital.	Dividend.
1819	15,900,000	782,000	3,850,000	412,250	4,500,000	237,500
1820	15,900,000	921,500	3,850,000	250,750	4,500,000	365,000
1821	15,900,000	920,500	3,850,000	250,650	4,500,000	364,500
1822	16,000,000	921,200	3,850,000	320,150	4,500,000	365,500
1823	15,500,000	992,500	3,150,000	276,500	7,400,000	485,000
1824	15,600,000	617,050	4,650,000	317,000	7,400,000	552,500
1825	17,450,000	936,500	5,300,000	221,000	11,900,000	767,500
1826	17,500,000	1,031,500	5,300,000	260,000	12,150,000	717,750
1827	17,880,000	1,025,400	4,350,000	228,000	12,450,000	602,000
1828	18,330,000	1,039,200	4,100,000	301,500	10,100,000	467,000
1829	17,830,000	977,090	3,000,000	442,000	7,800,000	464,500
Eleven years' } dividends }		10,094,300	3,259,890		5,388,750	

In the previous estimates reference is had especially to capital productive and unproductive; as for example, the Bank Capital, for the past year, is \$17,830,000. Whole dividend \$977,000, of which \$2,700,000 made no dividend; but in the estimate above, the capital of each year, and the entire dividend for each year is stated, whether productive or silent, and the average of eleven years taken on each species of stock.

STOCKS IN NEW YORK.	Yearly Capital Average.	Yearly Dividend Average.	Yearly Rate of int. to the doll.
11 years' Banks,	16,708,181	917,026	cents. 5.488
Do. Marine Insurance,	4,113,636	296,353	7.206
Do. Fire Insurance,	7,927,273	489,887	6.179
Average amount of paper discounted yearly,			\$91,702,666
Total amount discounted in eleven years,			1,008,729,326
The old U. States Bank existed 20 years, with a capital of 10,000,000 and made an annual average dividend of 8 1-3 per cent. during the continuance of its charter, amounting to			
			16,666,666 60

BANK STOCK.—The following is a statement of the amount of stock in the New York banks, and where owned, in the years 1823 and 1827, made to the assembly, by the comptroller, in obedience to a resolution of Mr. Granger. By this it will be seen that notwithstanding the tax of 1823 on bank stock, that the foreign stock has largely increased.

1823.

Amount owned in the city of New York,	\$8,619,025
Owned in the state, and out of the city,	478,250

Owned out of the state,	3,855,125
Owned by the people of the state of New York,	290,800
Total capital,	\$13,243,200

1827.

Amount owned in the city of New York,	\$10,804,120
Owned in the state, and out of the city,	846,670
Owned out of the state,	4,309,610
Owned by the people of the state of New York,	300,800
Total capital,	\$16,261,200

The deaths in the city of New York, during the years 1827 and 1828, were :

	1827	1828
Men,	1,536	1,574
Women,	991	1,045
Boys,	1,457	1,447
Girls,	1,197	1,115
Total,	4,973	5,181

FINANCES.—The Comptroller's reports,

for the same years, presents the following results :

	1827	1828
Balance in the Treasury, Dec. 31, 1826,	\$39,999	
Rec. to Dec. 31, 1827,	1,444,631	\$1,108,306
Expenditures,	1,179,634	1,098,677
Balance in treasury,	4,996	\$14,625
Amount of city debt Dec. 31, 1827,	808,374	
Do. 1828,	913,780	

REVISED STATUTES.

In the second volume of this work, page 462, will be found an account of the contemplated revision of the statutory code of this state, and of the general features of the plan. During the year 1828, an extra session was held, with the view of completing the revision; and on the 10th day of December, 1828, the signature of the acting governor, Nathaniel Pitcher, was affixed to the concluding chapters of the revision. The work was now completed, and provision was made for the new code to go into effect on the 1st of January, 1830. The principle of this revision was as yet untried, and as it made great alteration in the existing statutes of New York, which, so far as they alter the common law, are generally taken, with some modifications, from the old English statutes, we have thought it expedient to give an abstract of the principal provisions of the new code, which we have found already prepared for us by one of the revisers, John C. Spencer. Some additions have been made to his remarks, and the whole is given as illustrating an event, which will hereafter be justly considered as one of the most important in the history of the state.

As it was a prominent object to arrange all the statutes relating to the same subject together, a division of the work, according to the nature of the several subjects, was indispensa-

ble. It has accordingly been divided into **FOUR** principal **PARTS**. Each part is divided into Chapters; most of these are again divided into Titles, and the Titles into Articles.

The *first part* treats of the territorial limits and divisions, the civil polity, and the internal administration of this state, and consists of twenty chapters. The *first chapter* declares the boundaries of the state. These have never before been defined by any legislative act, and the precise boundaries between us and the adjoining states, could be ascertained only by consulting numerous documents in the office of the secretary of state. The duty of the government, of district attorneys and sheriffs, in maintaining the sovereignty of the state, and preventing intrusions on its lands, is also prescribed in this chapter. It then contains an enumeration of all the places which have been ceded to the United States, with the reservations as to the authority of the State over the respective cessions.

The *second chapter* contains the boundaries and descriptions of the several counties, senate districts, congress districts, towns, and cities; and prescribes the notices to be given, and the surveys and maps to be furnished, in case of application to the legislature for the erection, division, or alteration of counties, cities, villages, and towns.

The *third chapter* contains provisions for taking a census of the inhabitants, and obtaining statistical information, once in every ten years after 1825.

The *fourth chapter* is a declaration of the rights of the citizens and inhabitants of this state, compiled from the Bill of Rights, and from the

Constitution of this State, and of the United States.

The *fifth* chapter relates to public officers, other than those belonging to militia and to towns. The first title is a complete enumeration of all the officers of the state: there are to be ten masters and three examiners in chancery in New York, five masters and three examiners in Albany, and not more than three masters and three examiners in every other county. In New York the number of commissioners of deeds is limited to 100, and of notaries public to 100. In all other cities the common council is to determine and limit the number of commissioners and notaries to be appointed in their respective cities. Circuit judges, supreme court commissioners, masters and examiners in chancery, are required to reside in the circuit, county, or place for which they are appointed. Surrogates, supreme court commissioners, and justices in cities, are confined in the execution of their offices, to the counties and districts for which they are appointed. Commissioners of deeds must reside within the towns for which they are appointed, but may execute their offices within the county, and not out of it. Justices of the peace must reside in the towns for which they are chosen, and cannot try a civil cause in any other towns, unless specially authorized by law. Notaries public must reside within the cities or counties for which they were appointed, but may execute their offices in any part of the state. Sheriffs, clerks of counties, coroners, and district attorneys, are required to reside in their respective counties.

The second title of this chapter relates to legislative officers, and the only new provisions are, an addition to the disqualifications of members, by which they are not allowed to receive any appointment from the governor, during the term for which they were selected, except those offices of which the appointment is by the constitution vested in the governor:

and a provision to compel members of the legislature elected to Congress, to declare which office they accept.

The fourth article of title four of this chapter, contains provisions for ascertaining by lot, the classes to which justices of the peace belong, when more than one are chosen at any election, and prescribes in what towns justices are to act, when the town for which they were chosen has been divided or altered. [By an act of May 4, 1829, passed since the revision, justices of the peace are to be chosen at town meetings, after the 2d of January, 1830.]

By the first article of title six of this chapter, it is provided that no person can hold any office, unless he be a citizen of the state, and twenty-one years of age; no person elected in the common council of any city can receive any office from such council, except those where, by the constitution, the council has the right of appointing. All officers elected, except when chosen to supply vacancies, are to enter on their duties on the succeeding first of January. All officers for whose appointment there is no provision by law or by the Constitution, are to be appointed by the senate on the nomination of the governor. In all cases, not otherwise provided for, every deputy of an officer is to possess the powers, and perform the duties, of his principal, during his absence, or during a vacancy in the office. Sheriffs and clerks of counties, and all officers duly appointed, except the chancellor, supreme court justices, and circuit judges, are to continue to discharge the duties of their offices, although the term of office may have expired, until a successor is appointed.

The second article of title six, contains many new provisions concerning the nominations of officers to the senate, and the evidence of their appointment. The certificate of boards of canvassers, to be evidence of the result of the election. The evidence

of the appointment of commissioners of deeds, is to be a certificate signed by the first judge of the county and the chairman of the board of supervisors.

By the third article of title six, the oath of office of justices of the peace and commissioners of deeds, is to be taken before the clerk of the county. The oaths of state officers are required to be deposited with the secretary of state, except that of circuit judges, which is to be filed with the clerk of the county in which he resides. The oaths of other officers generally, are to be deposited with the county clerk. Notice of the neglect of any officer to file his oath of office is to be given to the governor, and of the neglect of justices of the peace, to the supervisor of their town. Bonds given by any officer are declared to be in force, so long as he shall discharge the duties of the office, or until new bonds shall have been given.

Article fourth of title six, prescribes to whom resignations by different officers, are to be made: by members of the legislature, to the presiding officer of their respective houses; by justices of the peace, to the supervisor of the town; by commissioners of deeds, to the first judge of the county; by other officers, generally, to the board or officer that appointed them. Every office is to be deemed vacated, by the death of the incumbent; by his resignation; by his removal from office, by his ceasing to be an inhabitant of this state; by his ceasing to be an inhabitant of the district, county, town, or city, for which he was appointed; by his conviction for an infamous crime, or one involving a violation of his oath of office; by his refusal to take the oath of office or to give an official bond, within the prescribed time; or by a competent court declaring void his election or appointment. The court by which such decision is made, or before which any such conviction shall be had, is to give notice thereof to the governor. County clerks are to give

notice thereof to the governor, whenever any officer dies before the expiration of his term, or removes from the county, &c. The governor may declare vacant the office of every person who has given an official bond, whenever a judgment shall be obtained for a breach of the condition of such bond. The governor may supply, temporarily, vacancies happening in offices during the recess of the senate, except the chancellor, &c. and also vacancies where the appointment was made by the legislature. Vacancies in the offices of sheriff and county clerk, except where they arise from the death of the incumbent, are to be supplied by the governor until an election be had. This article also contains very copious provisions for taking testimony, on complaints made to the governor against sheriffs and county clerks.

The fifth article of title six, is entirely new, consisting of provisions to compel the delivery of books and papers by public officers, to their successors. An order to show cause, may be granted by certain officers, upon which the party charged with detaining books may exculpate himself by oath, and if he does not, he may be committed, and a warrant to search for and seize the books, &c., may issue, and those belonging to the office are to be delivered to the incumbent. In case of the death of an officer, similar proceedings may be had to obtain books, &c. in the hands of his representatives or of any other persons.

Chapter six, of the first part, is the act regulating all elections, except those for militia and town officers. As this act has been published in a pamphlet form, distributed very generally throughout the state, and as our elections have been held under its provisions, it is not deemed necessary to notice the alterations made by it. It may be observed that these alterations consist chiefly in new provisions respecting the cases, when special elections are to be held, and the mode of keeping poll lists.

Chapter *seven*, of the first part, is entitled "Of the Legislature." The difficult subject of legislative contempt, is here disposed of. The cases in which the power of punishing for breaches of the privileges of either house or of any member, are distinctly enumerated under five heads. 1st. Arresting members or officers during their privilege. 2d. Disorderly conduct in the immediate view of either house. 3d. Publishing false and malicious reports of the proceedings of the house, or of the official conduct of a member. 4th. Refusing to attend, or be examined as a witness by a committee, &c. 5th. Attempting by menace or any corrupt means to influence a member. Imprisonment is not to extend beyond the same session of the legislature. Bills are not to be deemed to have passed by two-thirds, unless so certified by the presiding officers of each house. Every chairman of a committee authorized to send for persons and papers, may issue compulsory process for the attendance of witnesses, and may issue commissions to take testimony out of the state. Provisions are inserted to enable any person intending to contest the election of a member, to take testimony before certain judges, and prescribing the proceedings and fees. The usual classes in supplying bills will hereafter be unnecessary. Every law is to take effect on, and not before, the twentieth day after its passage, unless otherwise prescribed therein. *This is an entirely new provision.* Every law, except acts of incorporation, is to be delivered to the state printer, to be published by him.

Chapter *eight*, of the first part, relates to the duties of executive officers. The comptroller's powers and duties are more distinctly defined: among others, he is authorized to require all persons receiving moneys or securities belonging to the state, or having the disposition of its property, to account to him; and to require persons presenting accounts for settlement to be sworn to them. Moneys

received by the treasurer, except those belonging to the canal fund, are to be deposited in such banks in Albany as will pay the highest rate of interest therefor. The accounts of the treasurer are to be examined annually by a committee appointed by the legislature, who are to report at the next session upon the several matters particularly specified. In the enumeration of the duties of the attorney general, it is provided that when an action of ejectment shall be brought by him, or by directions of the land office, to escheat lands, or for any other purpose, and the plaintiff shall fail, the state shall pay costs, in the same manner as an individual.

The surveyor general is required to keep a map of the state, on which he shall delineate the bounds of all towns or counties erected or altered by the legislature; and he is authorized to hear and determine all disputes between officers of towns respecting the boundaries of their towns.

The state printer is required to print 312 copies of the journals of each house, and 250 copies of all bills, or documents ordered by either house; he is to print in Albany a newspaper, in which the public laws are to be forthwith published, and such publication is to be evidence of the statute for the term of three months after the end of the session at which it was passed; he is to deliver bound copies of the session laws to the secretary of state within one month after the close of the session.

Copies of papers filed with the comptroller or surveyor general, certified by them, are to be evidence in the same manner as the originals.

Chapter *nine*, of the first part, relates to the funds, revenue, property and expenditures of the state. The general fund of the state, and the general and special charges upon it, are designated. The items comprising the canal fund are enumerated, and provisions for its management methodized, as are those concerning the literature fund and the common school fund. The numerous minute and spe-

cial provisions concerning the sale of unappropriated lands, the protection of the public lands, and the proceedings on mortgages to the state, are collected, arranged, and simplified. Title nine is devoted to the canals, and as it is local has been published and extensively circulated, it is deemed unnecessary to notice its provisions. The tenth title relates to the Salt Springs, and is a collection of all the laws on that subject, which being local in its nature, an enumeration of the alterations in relation to it is unnecessary.

Chapter *ten*, Of the first part, is entitled "Of the militia and the public defence." This system is very similar to that formerly acted upon, and is upon the principle of stated parades, and partial discipline.

Chapter *eleven*, of the first part, relates to the powers, duties, and privileges of towns. The rights and powers of towns as bodies corporate are defined; acts and proceedings by and against a town are to be in its name, but conveyances of land made for the use of its inhabitants, in any manner, are to be deemed valid. Provision is made for the division of the real and personal property belonging to a town, upon its being divided or altered in its limits, and for the apportionment of its debts; but burying grounds are to belong to the towns in which they shall be situated, after a division. At the next town meetings, the electors are to fix the time of holding town meetings, which must be on some Tuesday between the first Tuesday in February and the first Tuesday in May, in each year, and when fixed, is not to be altered within three years thereafter.

Assessors and commissioners of highways are by virtue of their offices to be fence-viewers, and that office is abolished. The powers of town-meetings are enumerated under thirteen heads, among which is that to make rules and regulations for ascertaining the sufficiency of all fences in such town; for determining the times and manner in which cattle, horses, or sheep shall be permitted to go at

large on highways; and for impounding animals. The purposes for which special town meetings may be held, and the manner of convening them on the request of twelve electors, are pointed out. Civil process is not to be served on any elector on the day of holding town meeting. Among the provisions respecting the mode of conducting town meetings, the presiding officers are vested with the like authority to preserve order and to commit for disorderly conduct, as is possessed by inspectors of a general election: and upon any person offering to vote, he may be challenged, and the same proceedings are to be had as at general elections. Certain officers are required to be chosen by ballot, who are all to be voted for on one ballot; poll lists are to be kept, boxes are to be kept for receiving the ballots, and they are to be canvassed as at general elections. The result is to be publicly read by the clerk, which is to be deemed notice to any person who voted. Others are to be notified of their election by the clerk. No other qualification for a town office is required, but being an elector of the town. The officers chosen are required to take the oath of office or give notice of acceptance within certain times: a neglect to do so is to be deemed a refusal to serve. Persons refusing to serve as supervisor, town clerk, assessor, commissioner of highways, or overseers of the poor, forfeit fifty dollars to the town; for refusing to serve in other town offices, the penalty is ten dollars. Officers required to take an oath of office, forfeit fifty dollars to the town for entering upon their duties without having taken such oath. If a town neglects to choose any officers at the annual town meeting, three justices of the peace of the town are to appoint them. If a vacancy happens in the office of supervisor, commissioner of highways, or overseer of the poor, the town clerk is to call a special town meeting within eight days; and if the vacancy is not supplied by the town in fifteen days, three justices are to appoint.

Vacancies in all other town offices are to be supplied by justices or in the manner specially directed. Three justices of the town may accept the resignation of any town officer.

The duties of the several town officers are particularly enumerated. The supervisor is required to prosecute in the name of the town for all the penalties given to it by law, of fifty dollars or under: and he is required to keep, in a book provided for that purpose, an account of all moneys which shall come to his hands and to deliver it to his successor. Copies of all papers filed with the town clerk, and transcripts from the town records, certified by him, are to be evidence in all courts, in like manner with the originals. In respect to *strays*, it is provided that the person upon whose enclosed lands any cattle, horses, or sheep, shall stray, shall within ten days give notice thereof to the town clerk, and for a neglect to do so, he shall be precluded from all benefits under the act, and from receiving any compensation for keeping such strays. With respect to division fences, there are several new provisions, affecting details rather than principles, which could not be well understood without a republication of the whole article. Fence viewers have power to issue subpoenas for witnesses and to administer oaths to them. A person cannot recover compensation for damage done by cattle lawfully going at large on the highway, that may enter on lands not fenced agreeably to the regulations of the town, or that may enter through a defective fence. Every fence is to be presumed sufficient until the contrary is established.

In legal proceedings against towns, the process is to be served on the supervisor, who is to attend to the defence in behalf of the town, and to lay before the next town meeting, a statement of such suit. Costs are to be recovered, as in suits between individuals, and judgments against towns, are to be town charges.

Public pounds are to be kept when

directed by town meetings, who have power to discontinue them. Supervisors, &c., are to demand from their predecessors, books, &c., belonging to their office; which shall be delivered to them on the oath of the person going out of office; and moneys in the hands of town officers are to be paid over to their successors. Such delivery of books to be enforced as provided in Chapter five, and a penalty of \$250 is imposed for neglect or refusal to deliver on demand.

The *twelfth* chapter of the first part relates to the powers of counties, legal proceedings by and against them, and the duties of certain county officers. Each county is a body corporate, and may sue and be sued, may hold lands within its limits, may make contracts, and hold personal property when necessary for the exercise of its general powers, and may make orders for the disposition and use of its property; it possesses no other powers unless specially given by law, and those powers are to be exercised by the board of supervisors, in whose name all acts and proceedings by and against a county are to be had. Upon the division of a county, such new county is to be seized of the real estate within its limits, which belonged to the former county, and the personal property of each is to be divided, and the debts apportioned by the respective boards of supervisors. The power of boards of supervisors, the mode of proceeding at their meetings, their compensation, &c., are fully detailed. The duties of county treasurers, commissioners of loans, and county clerks, are enumerated. Copies of *all* papers filed with the county clerk, and transcripts from his records, certified by him under his official seal, are to be evidence in all courts. In respect to sheriffs, it is provided that their bond shall be in the penalty of ten thousand dollars, except in New York, where it is to be twenty thousand dollars, and that every appointment of a general deputy, shall be filed and recorded in the county clerk's office. Sheriffs' fees for

services not chargeable by law to any county or individual, are to be audited by the comptroller and paid by the state. If a sheriff shall remain in custody thirty days on an execution or attachment for not paying over money, the fact is to be represented to the governor by the officer having him in custody, to the end that he may be removed from office. In case of vacancy in the sheriff's office, arising from his death, and of there being no under-sheriff, the first judge of the county is to designate one of the coroners to execute the duties of the office, who is to give bail in the same manner as the sheriff. It is made the duty of district attorneys to prosecute for all penalties exceeding fifty dollars incurred in their counties, in all cases where no other officer is specially directed to prosecute.

Suits between counties, or between a county and individuals, may be maintained at law and in equity, as in other cases; and such suits are to be in the name of the board of supervisors, except when a particular officer is required to prosecute. Suits by a county may be brought before a justice of the peace, in cases where individuals might prosecute, and in all cases costs are to be recovered in suits by and against them, in the same manner as between individuals, and judgments against them are to be county charges. The charges upon counties, which boards of supervisors are to defray, are enumerated under 16 heads, which are too minute to justify their being stated here.

Chap. *thirteen* relates to the assessment and collection of taxes. Accounts, bonds, and other securities, belonging to a non-resident, sent here for collection or deposited with an agent for that purpose, are exempt from taxation, and if assessed to the agent, are to be deducted upon his making affidavit specifying the name and residence of the owner.

Chapter *fourteen* is entitled "Of the public health." The first six titles contain provisions for preserving the public against infectious diseases in New York and other places, which

are chiefly local. The seventh title contains regulations concerning the practice of physic and surgery. Every physician, not already a member of the county medical society, is to be required by the president to become a member within sixty days after the service of the notice; and if he does not apply for a certificate of membership, his license is forfeited. If charges of gross ignorance, misconduct in his profession, of immoral conduct or habits, are preferred against any member of a county medical society, a special meeting is to be held; at which, if two thirds of the members present are of opinion that the charges preferred are well founded, they are to be delivered to the district attorney of the county, and the member is from that time suspended from practice. The charges are to be tried by the county judges, on the prosecution of the district attorney; and they may expel the accused from the society, and declare him incapable of practising, or may suspend him for a limited period. The regular term of study, to entitle to examination, is four years, from which a deduction of one year may be made for the time devoted to classical studies, or a deduction of one year may be made for having attended a complete course of lectures at an incorporated medical college in this state or elsewhere. The manner of obtaining the deduction by an order of the president of the society, and the evidence of the term of study, are prescribed. Persons are not to receive from the regents a diploma, unless they shall have complied with the preceding requisitions, and attended *two* complete courses of lectures. Students are to be admitted to examination only by the society of the county in which they studied for the last preceding four months, except when they have attended lectures. Persons rejected by the censors of one medical society, cannot be admitted to examination by any other medical society, but may apply to the state society. Persons rejected by the censors of the state society, cannot be examined by the censors of any county

society. No person is to practise physic or surgery, unless he has a license or diploma from a medical society, or from the regents, or be authorized to practise by the laws of some other state or country, and have a diploma from some incorporated medical college or medical society in such state or country. A person coming from another state is not to practise, until he has filed a copy of his diploma with the county clerk, and given satisfactory evidence to the county society that he has studied according to the requisitions before mentioned in respect to students in this state. Persons licensed are not to practise, until they have filed a copy of their license with the clerk of the county where they reside. The degree of doctor in medicine, conferred by colleges in this state, shall not be a license to practise; nor shall any college establish a medical faculty in any other place than that where the college is located. Persons practising for any fee or reward, without being authorized by law, cannot recover any debt arising from such practice, and are to be deemed guilty of a misdemeanor punishable by fine and imprisonment. The former exception in favour of persons practising with roots, &c., the growth of this country, is repealed. This chapter took effect on the first of January, 1828.

Chapter *fifteen* is entitled "Of public instruction," and contains the laws concerning the regents of the university, colleges, academies, and select schools; the common school act, and miscellaneous provisions. The laws concerning common schools have been simplified, methodized, and arranged in a natural order.

Chapter *sixteen* is entitled "Of highways, bridges, and fences." Overseers of highways are to apply the requisite highway labour to cut down and destroy, twice in each year, the noxious weeds on each side of the road, once before the first of July, and again before the first of September. The mode of assessing highway labour, and the rate of assessment, are

essentially varied. After ascertaining the total number of days-work required, (which is not to be less than three times the number of taxable inhabitants,) every taxable resident is to be assessed one day; the residue is to be apportioned upon the lands of non-residents, and upon the real and personal estate of residents, in the manner particularly detailed; and the limitation of assessments not to exceed thirty days, is abolished. Roads cannot be laid out through any buildings, or any erections or fixtures for the purposes of trade or manufacture, or any yards or enclosures necessary to the use of such erections, without the consent of the owner. The damages sustained by laying out a new road are to be assessed by a jury of some other town, and the mode of assessment by commissioners is abolished. No road can be opened, worked, or used, until the damages are assessed. The amount may be increased or reduced by the board of supervisors of the county. Public roads cannot be less than three rods wide. The judges to whom an appeal is first made from the decisions of commissioners laying out roads, are to have conclusive jurisdiction, and are to suspend proceedings until the time for all other appeals to be made has expired. Any person injuring a bridge maintained at the public expense, is to forfeit treble damages.

Chapter *seventeen* is entitled "Of the regulation of trade in certain cases," the first of which relates to sales by auction. The most important alteration, of general interest, is that requiring auctioneers to enter sales made by them in a sales-book, when the bargain is not immediately executed. Penalties imposed by this title, are to be sued for by the district attorney, and paid over for the use of the poor of the county. The second title relates to the inspection of provisions, produce, and merchandise. The first article treats of the inspection of flour and meal. Flour carried down the Susquehannah, or on the lakes, or on the St. Lawrence, and

such as is brought from any other state through one of the canals, inspected according to the laws of such state, is exempt from the provisions of this article. In addition to the present brands of wheat flour, there is to be another quality called "Extra superfine." The inspector in New York city may give a certificate of the condition of any damaged flour, or of any damaged beef or pork, and the apparent cause thereof; which, after being certified by the clerk of the county, is to be presumptive evidence in all courts, of the facts contained in it. There are eleven other articles, which relate to the inspection of beef and pork, pot and pearl ashes, fish, liver and fish oil, lumber, staves and heading, flax-seed, sole leather, hops, distilled spirits, and leaf tobacco in New York. Pot and pearl ashes are to be put up in casks of seasoned white oak or white ash, the staves not to be more than thirty-one nor less than thirty inches in length; the head of a potash barrel is not to exceed twenty inches, nor to be less than nineteen inches in diameter; and that of a pearl-ash barrel not to exceed twenty-three, nor less than twenty-one in diameter; and casks not agreeing with these dimensions are not to be branded. The standard of distilled spirits is to be according to its specific gravity; it is to be deemed first proof, when its specific gravity at the temperature of 60 degrees shall be to that of distilled water, as 9.335 to 10.000, and all other spirits are to be estimated by the per centage in reference to the above standard. Several new and important provisions are made to compel inspectors to render an account of unclaimed articles left in their hands; to give notice in the state paper and otherwise of the articles, when about to be sold by them; and to account for the proceeds. All inspectors are to make annual returns to the legislature, under the penalty of two hundred dollars.

The *eighteenth* chapter of the first part, is entitled, "Of Incorporations." The first title relates to turnpike corporations, in which there is no altera-

tion from the former law important to be noticed. The second title relates to moneyed corporations; which are defined to be banks, and companies authorized to make insurances or to make loans on deposits, &c; and the title applies to such of those companies only as shall be created after the 1st of January, 1828, or whose charters shall be renewed or extended after that time. In addition to the restrictions imposed by the act of 1825, such corporations are allowed to purchase or own their own stock only in certain peculiar cases, and to hold it only for limited periods; and directors or any of them cannot have the loans to themselves or on paper, on which they are responsible to an amount exceeding in the whole one third of the capital stock paid in. Minute directions are given, as to the manner of ascertaining the profits previous to a dividend. Conveyances of property to a corporation are not valid unless made to it by name, except in general assignments for the benefit of creditors. Conveyances of its property to any amount exceeding 1000 dollars are not made, unless authorized by a resolution of the directors. Directors are presumed to possess such a knowledge of the funds, &c., of the company, as to enable them to determine whether any act is a violation of the title. Every director present at a meeting is deemed to have concurred in its acts, unless his dissent in writing be entered; and every director not present, must, within six months, require his dissent from any act appearing on the books, to be entered, or he will be deemed to have concurred in such act. Every insolvency is to be deemed fraudulent, unless the affairs of the company have been managed with the same care as is required by law of agents receiving a compensation; and as no one but the directors and stockholders can possibly know how their affairs have been managed, they are required to repel by proof the presumption of fraud. Losses arising from fraudulent insolvencies are to be apportioned first among the directors, and if

they are not sufficient, then upon the stockholders, not to exceed the nominal amount of their shares. A minute account of its affairs is to be transmitted to the comptroller on the first day of January in each year, who is to report to the legislature when any company appears to be insolvent or in danger of insolvency, or that it has violated its charter or its title. Before commencing business, an affidavit is to be made that the required capital is actually paid in, and unless made within a year, the charter is to be void. Persons are not to vote for directors upon any shares belonging to the company, nor upon any that are hypothecated, or which shall have been contracted to be sold, or which shall have been transferred for the sole purpose of enabling the assignee to vote on them, and oaths are prescribed to be taken by voters, to enforce these prohibitions.

Some of the provisions of this title, those particularly requiring annual statements to the comptroller and declaring the liability of directors and stockholders in cases of bankruptcy, are, by the new bank law, not to apply to such banks as are incorporated under its provisions.

In the third title, the general powers and liabilities of all corporations are declared: they are not to take any powers by implication but such as are necessary to the exercise of the powers granted; nor are they to have any banking powers unless expressly granted. Every stockholder is made liable to pay up the nominal amount of his shares, whenever it shall be necessary to pay the debts of the company. A majority of directors, &c., are to form a board, and the acts of a majority of those assembled are valid.

Chapter *nineteen* of the first part, treats of the computation of time, of weights and measures, and the money of account. The Gregorian or new style, is for the first time adopted by the statute; the leap years are declared; and those which are not to be considered leap years are enumerated. The added day of a leap year, and the

day immediately preceding, when computed in any private contract or public instrument, are to be reckoned as one day. Whenever the term month is used in any statute, or in any public or private instrument, it is to be construed to mean a calendar month, and not a lunar month, unless otherwise expressed. *This is an important change in the present law*, which considers the word month to mean four weeks, except in certain special cases.

The second title of this chapter relates to weights and measures. Before presenting the subject to the legislature, the revisers had ascertained from official documents, that the standards adopted by this state, immediately after the revolution, and recognised in the subsequent laws, had many of them disappeared; that they had, in several instances, been supplied by others of doubtful authority; that additions had been made, unauthorized by the original law; that discrepancies existed between some of the standards in the Secretary's office and others in the same office; and that still greater and more alarming discrepancies between them, and those kept for use in the several counties. As amended, the law provides that there shall be but one standard of measure of length and surface; one of weight, *and two of measures of capacity* throughout the state—that the yard used in this state on the day of the declaration of its independence, (which is defined in the statute according to the experiments made in Columbia College) should be the unit or standard, from which all other measures of extension should be derived—that the pound avoirdupois, to be deduced from the standard yard in the manner prescribed in the statute, should be the standard of weight, that the standard for measures of capacity, for dry commodities, not measured by heaped measure, should be the gallon, to be derived from the standard of weight, and that the bushel, derived directly from the gallon, should be the standard for all commodities commonly

sold by heaped measure. Then follow various provisions relative to the custody and preservation of the original standards to be made in pursuance of the law, the distribution of copies, &c.

The new statute merely follows out and establishes the law of 1784, except that it omits troy weights; and so far as the measures, whether of extension, weight or capacity, in common use, conform to the original and true standard, they will not be affected by any provisions under the new law. The standard of the measure of length is the yard; that of weight is the pound, which is to be ascertained by the weight of a cubic foot of distilled water, in a vacuum. The standard of capacity is the gallon, which, as amended by the act of 1829, is to be of two kinds, the gallon, for liquids, which is to contain eight pounds of distilled water at its maximum density, under the mean pressure of the atmosphere at the level of the sea; the gallon for dry measure is to contain ten pounds of distilled water under the same circumstances. It will be identical with the standard of dry measure established by the act of 1784; will correspond with the dry measures now in use so far as they are correct; and will differ but a fraction from the standard gallon established by the recent British act. The magnitude of the bushel will be 2'14,36 cubic inches; and that of the gallon 276,8. The English standards are, for the bushel 2217,6; for the gallon 277,2 cubic inches. The liquid gallon is what is now called the wine measure, the other is now called the ale or beer gallon. The subdivisions of these standards, and their multiplies are enumerated. The hundred weight is to consist of one hundred pounds (instead of 112 as heretofore) and twenty such hundreds constitute a ton.

Chapter *twenty* is entitled "of the internal police of this state;" it is the most comprehensive chapter in the whole work, and consists of twenty

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ty one titles. The first title contains the law concerning the relief and support of indigent persons. What remained of the English system of poor laws is almost entirely abolished. The plan of these numbers will allow only an enumeration of the leading features of the new system. County superintendants of the poor are to be appointed by the board of supervisors in every county of the state: they are to be a corporation, are to have charge of the county poor, and are to decide all disputes concerning the settlement of poor persons, which decisions are to be final and conclusive. The jurisdiction heretofore exercised by courts of law on this subject, is abolished. Full and minute provisions are made to enable the parties to bring such disputes to a hearing. Then there follows two sets of provisions, one adapted to those counties where the poor are a county charge; and one set for those in which the towns support their own poor. In the first case the county superintendents have the entire charge of all the poor; and the overseers of the towns act in subordination to them. The board of supervisors of every county may declare all their poor a county charge, in which case all the excise money collected in the county, goes to the county treasury for the benefit of the poor. A person of full age who shall have resided in a town one year, gains a settlement there, and also all the members of his family who have not gained a separate settlement. The cases in which minors may be emancipated, and gain settlements are enumerated. Thus one of the most fruitful sources of former litigation is extinguished. The removal of paupers from one town to another, is abolished; but they are to be provided for where they may be, until taken away by the town or county, chargeable with the support of a pauper in another county, unless he has been removed with the intent to charge the county to which he may be carried. Persons are to be re-

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moved to the county poor house, by an order of the overseers, without the intervention of a justice of the peace. If temporary relief only is required, or the pauper cannot be removed, a justice may give an order for his relief, but not to exceed ten dollars, without the sanction of a county superintendent. If there is no county poor house, the pauper is to be relieved on an order of a justice and overseer, until the county superintendents take charge of him. If he has a settlement in any town of the same county, he is to continue to be supported by the overseers. In counties where a county poor house is provided, the poor moneys raised by tax are to be paid to the county treasurer, and drawn for by the overseers of the respective towns, as they may be wanted. Idiot and lunatic paupers may be supported by the county superintendents, in convenient places out of the county poor house. The supervisors of towns liable to the support of their own poor, are to report annually to the clerk of the board of supervisors, an abstract of their accounts, exhibiting the number of paupers relieved and the expenses; which is to be delivered to the county superintendents, who are to report annually to the secretary of state, as well the town paupers as those relieved by the county, and the expenses, &c. which reports are to be laid before the legislature; thus presenting each year a body of statistical information on one of the most difficult and interesting subjects of legislation.

The second title of this chapter relates to beggars and vagrants; and a milder course in respect to them, is prescribed than that under the existing statutes, by which they are classed with disorderly persons. The third title treats of the safe keeping and care of lunatics. They may be sent if chargeable as indigent persons, by the overseers, of a town or by the county superintendents, to the lunatic asylum in New York, at the expense of the county or town. They

are not to be committed to any jail as disorderly persons, nor to be confined there without an agreement with the keeper, and then not to exceed four weeks; they are not to be confined with any criminals, and are to be sent to the asylum in New York, or to the county poor house, or other place provided for them.

The fourth title relates to the case of habitual drunkards, and varies from the existing law, in only a few unimportant particulars. The fifth title is concerning disorderly persons. They are particularly enumerated, and the description is enlarged to embrace persons who keep gaming tables in public places, &c. They are in the first instance to be required to find sureties for good behaviour for a year, and in case of neglect, are to be committed, until they find them. Their names are to be reported by the keepers of jails to the next court of general sessions, who are to inquire into their cases, who may discharge them absolutely or upon sureties: or may authorize the overseers or county superintendents to bind out such as are minors to be apprentices and to hire out such as are of age for a term not exceeding one year; or may order them to be imprisoned for not more than six months and to be kept on bread and water not exceeding thirty days. The court may direct the keeper of the jail to purchase raw materials and implements, with which to employ disorderly persons at work; who shall keep an account of their labour, and shall pay one half of their earnings above the cost of materials, &c. to them on their discharge.

The sixth title relates to the support of bastards, and alters the existing law in numerous particulars, which are rather too technical to be minutely detailed. The person charged as father, is entitled to be present at the examination of the mother. On an appeal, the proceedings are not to abate for informalities, and the court may make an original order,

of filiation. Persons committed for not giving bond, are not to be discharged under any insolvent act, but the court of general sessions is to inquire into their circumstances, and in certain cases to discharge them. In suits on bonds, the actual damage sustained is to be recovered, and suits may be maintained on order of filiation. Mothers are not to be removed, but are to be supported as paupers, and a neglect to provide such support, is declared a misdemeanor.

The seventh title relates to the importation into this state of persons held in slavery, their exportation and services, and inhibiting their sale. Persons hereafter removing from another state, and bringing slaves with them, born before the 4th July, 1827, are entitled, on filing certain affidavits, to their services as servants until they attain 21 years of age. The following is a declaratory section: "§ 16. Every person born within this state, whether white or coloured, is **FREE**; every person who shall hereafter be born within this state shall be **FREE**; and every person brought into this state, except authorized by this title, shall be **FREE**."

The eighth title is concerning the prevention and punishment of immorality and disorderly practices, and consists of nine articles. Playing with cards or dice, or any kind of gaming by lot or chance, in any tavern, or place where liquors are licensed to be sold; and playing with cards or dice for gain or money, or any kind of gaming by lot or chance, on board any packet vessel used for transporting passengers, are prohibited, under a penalty of ten dollars, to be recovered by the overseers of the poor of the town where the offence was committed. All wagers, bets, or stakes, made to depend on any lot, chance, casualty, or unknown contingent event whatever, are unlawful and void; and the property, &c. staked, may be recovered of the winner, or of the stakeholder, whether paid over or not. Insurances and contracts of bottomry and respon-

dentia, are excepted. *These provisions effect an entire change in the law on this subject.* The penalties on gaming and cheating at cards, &c. are increased, and persons admitted as witnesses to sustain prosecutions for them, may be discharged from all penalties by the court, if they appear to have been seduced by others. The prohibitions against unlawful lotteries are increased, and it is made the duty of the presiding judge of every court of Oyer and Terminer and General Sessions of the Peace, to charge the Grand Juries to inquire into violations of the laws against lotteries.

With respect to the racing of animals, it is made the duty of the officers concerned in administration of justice, to attend at the place where they shall be apprised any race is about to be run; to give notice of its illegality; to disperse the persons collected to attend it; to cause them to be apprehended and bound over to answer and be of good behaviour.

The penalty for profane cursing is increased to one dollar, for the non-payment of which, and not securing its payment within six days, the offender is to be imprisoned not exceeding three days in a room separate from all other prisoners. A few slight alterations are made in the law for the observance of Sunday.

The ninth title of this chapter is entitled "Of excise, and the regulations of taverns and groceries," and contains several new and important provisions. Tavern keepers are to give bond in a penalty of \$125, with surety to be approved by the commissioners of excise, conditioned that they will not suffer their houses to be disorderly, or suffer playing with cards or dice, &c. Grocers, and all persons receiving a license to sell liquors, are also to give bond in the same penalty, with surety to be approved in like manner, conditioned that they will not suffer their grocery to become disorderly, and will not suffer any liquor sold under their license to be drank in their house, shop, out house, yard,

or garden. A penalty of five dollars is imposed on every person licensed, who shall sell liquor to any apprentice or servant, or to any child under fourteen years of age, without the consent of his parents or master; and three times the sum of money, or value of articles paid or delivered or pledged by such apprentice, minor, &c., for liquor, may be recovered. The bonds are to be filed with the clerk of the town or village, &c., and are to be prosecuted by the supervisor, mayor, trustees, &c., and the penalty is to be recovered for the use of the poor. The court before which a recovery is had on a bond, or for a penalty, is to give notice of it to the general sessions of the county, who are to require the defendant to show cause why his license should not be revoked. Upon the first conviction, the court may revoke the license, and upon a second or other conviction, the court is compelled to revoke it. A person, whose license is revoked, is incapable of receiving another for three years thereafter. When a boat or other vessel navigating any canal or other water, shall remain at any place more than one hour, no liquor shall be sold on board of it, after so remaining, in a less quantity than five gallons, under a penalty of \$25, to be sued for by the overseers of the poor. In those counties where the poor are all a county charge, excise duty, collected in any city or village, is to be paid into the county treasury, for the support of the poor.

The tenth title relates to the navigation of rivers and lakes, &c. It contains some new provisions respecting the mode of receiving and landing passengers in steamboats; and requires vessels at anchor in the Hudson river or on Lake Champlain, at night, to carry lights.

The eleventh title treats of fisheries generally, and particularly in Hudson river. It contains a collection of various laws on that subject, and some modifications of the act authorizing courts of common pleas to

regulate fishing in any streams, ponds, or lakes, in their counties.

The twelfth title is entitled "Of wrecks," and contains great alterations of the present law; but they are entirely of a local character.

The thirteenth title treats of the law of the road, and the regulation of the public stages. The owners of stages forfeit five dollars a day for every day they employ any driver addicted to drunkenness, or the excessive use of liquor. They are required to discharge any driver who shall be intoxicated so as to endanger passengers, upon receiving written notice of the fact, sworn to by a passenger; and every owner having in his service any such driver, within six months after receiving such notice, forfeits five dollars for every day he employs him. It is declared a misdemeanor, punishable by fine not exceeding \$100, and imprisonment not exceeding sixty days, for any driver to run his horses, or cause or permit them to run upon any occasion whatever. A penalty of twenty dollars is imposed on drivers for leaving their horses attached to a carriage without making them fast, and execution therefore is to issue immediately.

The fourteenth title relates to the firing of woods; the fifteenth to the embezzlement of timber floating; the sixteenth to the preservation of deer and other game and animals; the seventeenth to dogs; the eighteenth to the destruction of wolves and other animals. In all these there are occasional variations, of no great importance, from the existing laws.

The nineteenth relates to brokerage, stock-jobbing, and pawn-brokers. It is declared a misdemeanor for any person to carry on the business of a pawn-broker, by receiving goods in pledge for loans made at a rate of interest exceeding that allowed by law; except in cities by whose charters they may be licensed. When oath shall be made that property has been embezzled or taken without consent, and that it is suspected to be conceal-

ed with a pawn-broker; a justice, &c. is to issue a search warrant, the property is to be brought before him and delivered to the claimant, on his executing a bond to pay all damages for taking possession of such property.

The twentieth title relates to unauthorized banking, &c. Former restrictions are extended expressly to incorporated companies, not authorized by their charters to engage in banking, and the restrictions are conformed to the constructions as given by the courts.

The twenty-first title relates to insurances made in this state by the agents of foreign companies, or of persons or companies in other states. Agents of companies in other states are required to enter into a bond, the conditions of which are somewhat varied, and to pay to the state treasury ten per cent. on all premiums received by them, and a penalty of 500 dollars is imposed for effecting or procuring an insurance, without having entered into such bond.

The SECOND PART of the Revised Statutes, is an act concerning the acquisition, the enjoyment, and the transmission of property, real and personal; the domestic relations; and other matters connected with private rights, and consists of eight chapters.

The *first* chapter relates to real property, and the nature, quality, and the alienation of estates therein. It will be impossible to notice the various additions made to the statute law by this chapter, without republishing it; those alterations, therefore, which are supposed to be most interesting, will only be stated. The original and ultimate property of all land in the state, is deemed to belong to the people in their right of sovereignty. All lands are declared to be allodial, so that the entire and absolute property is vested in the owners; and all feudal tenures, with all their incidents, are abolished. The persons are enumerated, who are to be entitled to the guardianship in soccage of infants,

and the order in which they are so entitled. The kinds of estates are enumerated and defined. The creation of future estates is void, which suspends the power of alienating in fee for more than two lives in being, except that a contingent remainder may be created to take effect on the death, &c., of a person under age. Expectant estates are descendible, devisable, and alienable, in the same manner as estates in possession. Limitations are imposed on the accumulation of rents and profits of land. All expectant estates, except such as are enumerated, are abolished. Passive trusts, and all except express trusts, are abolished; and every person entitled to the possession of land, and to the receipt of its rents and profits, is deemed to have a legal estate therein commensurate with his beneficial interest. No trust is to result in favour of a person paying money for land, when the conveyance is made to another, with his consent. But such conveyance is to be deemed fraudulent as to his creditors, and a trust results in their favour; in all other cases the title vests in the grantee. Express trusts are defined, and the purposes for which they may be created; and minute provisions are inserted to guard them, and prevent their being abused to the injury of creditors and *bona fide* purchasers. Powers, as they formerly existed, are abolished; and a system is adopted defining them, limiting their creation, and controlling their execution.

Conveyances of a fee or a freehold are to be signed and sealed by the grantor; if not attested by a subscribing witness, they are not to take effect as against purchasers, until they are acknowledged or proved. A mortgage is not to be construed as implying a covenant to pay the sum secured by it: and no covenant is to be implied in any conveyance of real estate, whether such conveyance contains special covenants or not.—Lineal and collateral warranties are abolished. No greater estate can pass by a con-

veyance, than such as the grantor had; but he and his heirs, &c., are to be concluded by it. The term 'heir,' or other words of inheritance, is not necessary to pass a fee; and every grant or devise shall pass all the estate of the grantor or testator, unless the intent to convey a less estate shall appear by express words or necessary implication. Grants of land are void, when it is in the actual possession of another claiming under an adverse title; but a party out of possession may mortgage his land, which is to be bound thereby from the time the possession is recovered.

Dower must be demanded by the widow within 29 years after the death of her husband; and the damages to be recovered by her in different cases are specified. Against a purchaser from the heirs of her husband she can recover for not more than six years occupation of the premises.

Provision is made, for rendering liable for the payment of debts the interest of a person holding a contract for the purchase of lands. It is not to be sold on execution at law, but a judgment creditor having had an execution returned unsatisfied, may file a bill in equity against the defendant and vendor of the land, to prevent the transfer of the contract, and to obtain satisfaction for his debt. The court may order the contract sold or to be assigned to the creditor, and cause the surplus to be paid to the defendant; and may compel the vendor to convey, and the creditor to pay up the purchase money. One month's notice in writing is sufficient to terminate a tenancy at will or by sufferance, and no notice to quit is necessary. In case of goods liable to rent being seized in execution, the landlord is to make affidavit of the amount due, and to give notice to the officer, &c., before a sale; when the amount is to be collected on the execution in addition to the rent, unless prevented by the tenant giving a bond to pay all the rent due, not exceeding one year's rent. If a landlord claim and collect more than is due, the te-

nant may recover double the amount of him; a right to distrain is given in all cases where a certain rent or certain services are reserved and not paid.

In the construction of conveyances, courts are to carry into effect the intent of the parties. Wills of real estate are required to be proved and recorded within four years after the death of the testator, except where the devisee is under age or other disability, or the will has been concealed by the heirs. If not so recorded, the title of a purchaser in good faith from the heirs is not to be impaired by it.

Real estate descending to an heir or devisee subject to a mortgage, the heir or devisee is to satisfy the mortgage without resorting to the executors, &c., unless there is express direction otherwise in the will.

The *second* chapter of the second part, treats of the title to real property by descent. The rules of descent, which now do not go beyond nephews, are extended to the descendants of brothers and sisters of the father of the intestate, and of his mother. If the intestate leave a mother and a brother or sister, or descendants of them, the inheritance goes to the mother during life, and the reversion to the brother or sister, or their descendants. If there be a mother and no brother or sister, or descendants of them, the inheritance goes to the mother in fee. In case of the intestate being illegitimate and having no descendants, the inheritance passes to his mother, if she be living; if dead, to her relatives. Illegitimate children and relatives can in no case inherit. Persons capable of inheriting are not to be precluded by the alienism of their ancestors. The law of advancement is extended to personal as well as real property, and the whole is to be reckoned as real estate, and is to be estimated in ascertaining the portion of real property to which a child is to be entitled.

The *third* chapter of the second part, relates to the proof and record-

ing of conveyances, and cancelling of mortgages. The term conveyances includes mortgages, and every other species of instruments by which the title to real property can be affected, except wills, leases for a term not exceeding three years, and executory contracts. The same rules, with respect to the effect of recording, will therefore hereafter apply to mortgages as to deeds. Subscribing witnesses are to state *their place of residence*, which is to be inserted in the certificate of proof. Witnesses to deeds may be compelled to appear before certain officers, to prove them, and are to be committed until they answer. Certificates of proof or acknowledgments are not to be conclusive, but may be rebutted, and if the witness was interested or incompetent, the certificate is invalid. The certificates are in all cases to set forth the names of the witnesses examined, their places of residence, and the substance of their testimony. *Without these requisites, the certificate would be void.* Certificates that a mortgage is satisfied, are to be acknowledged or proved in the same manner as deeds; and are to be recorded at full length; and in the record of the mortgage, a minute is to be made, referring to the record of the discharge. If all the witnesses to a conveyance be dead, it may be proved, as at law, before certain officers; and if deposited with the county clerk, becomes constructive notice to subsequent purchasers. Power of attorney to convey land, and executory contracts for the sale of land, *may be recorded*, on being proved and acknowledged, with the like effect as deeds, but their recording is not required. And a letter of attorney that has been recorded cannot be revoked, without recording the instrument of revocation. The recording an assignment of a mortgage is not notice, so as to invalidate payments made to the mortgagee. In Albany, Ulster, Sullivan, Herkimer, Dutchess, Columbia, Delaware, and Schenectady counties,

leases for life or lives, or for years, need not be recorded.

The *fourth* chapter treats of the title to personal property in certain cases. The first title, relating to limited partnerships, contains no new provisions of importance.

The second title relates to promissory notes and bills of exchange. Notes payable to the order of the maker, or of a fictitious name, if negotiated by the maker, have the same validity as notes payable to bearer. Persons within this state cannot be charged for acceptances of bills, unless the acceptance is in writing; and if made on any other paper than the bill itself, it is not binding, except in favour of a person who has seen it, and on the faith of it has received the bill for a valuable consideration: but a previous unconditional promise in writing to accept a bill, is to be deemed an acceptance in favour of a person receiving the bill upon the faith of such promise. A refusal to make a written acceptance on request, is to be deemed a refusal to accept. A person to whom a bill is presented for acceptance, who shall destroy it or refuse to return it within twenty-four hours, accepted or non-accepted, is to be deemed to have accepted. The rate of damage to be paid on protest for non-payment of bills of exchange drawn upon any person at any place in Europe, is to be ten dollars upon the hundred, on the amount of the bill; which is to be paid in lieu of interest and all charges incurred previous to giving notice of non-payment; but interest is to be recovered on the principal and damages, from the time of demand of payment. If the bill is payable in dollars and cents, the amount due is to be ascertained without reference to any rate of exchange; but if payable in foreign currency, the amount due is to be determined by the rate of exchange, or the value of such foreign currency at the time of demand of payment. The same rate of damages is to be allowed on the protest of bill for non-acceptance,

and interest is to be recovered on the total amount of the principal sum and the damages, from the time of giving notice of non-acceptance. The damages allowed by this title, shall be recovered only by the holder of a bill who has paid a valuable consideration for it.

The third title relates to the interest of money. Promissory notes or bills of exchange, in the hands of a holder receiving the same for a valuable consideration, without notice that such bill or note had been given upon a usurious contract, are not to be affected by the usury. A borrower is entitled to file his bill in equity, for the discovery of a usurious contract, without paying or depositing the principal sum, as a condition for obtaining relief. "For the purpose of calculating interest, a month shall be considered the twelfth part of a year and as consisting of thirty days, and interest for any number of days less than a month shall be estimated by the proportion which such number of days shall bear to thirty."

The fourth title treats of the accumulation of personal property and of expectant estates in such property. The absolute ownership of personal property cannot be suspended for a longer period, than until the termination of not more than two lives in being. Limitations on future interests in personal property, are in all other respects, to be subject to the same rules as are prescribed in relation to future estates in lands. Accumulations of the interest of money, or other profits of personal property, must terminate at the expiration of the minority of the infants for whose benefit they are directed. The moneys accumulated may be taken under the order of the chancellor, for the support or education of the infant. All other directions for accumulations, than such as are allowed by this title, are void.

Chapter *five* of the second part, relates to title to property, real and personal, transmitted or acquired by special provisions of law: and the

first title is concerning the assignment of estates of non-resident, absconding, insolvent, or imprisoned debtors, and consists of eight articles, in which the various and complicated laws on these subjects are collected, simplified, and arranged in their natural order; with numerous alterations in the details, of which those only will be noticed, which involve some principle.

Provision is made for trying a claim to property attached by the sheriff and a jury; and the cases specified in which he is to detain it, notwithstanding a verdict for the claimant. In case of the seizure of a vessel, or of any share in her, proceedings may be had to obtain her release promptly, or for her sale, in case of no claim being interposed. Notices in cases of non-resident debtors, are to be for nine months instead of a year. After application for an attachment, any other creditor may file a specification of his demand with the judge, and shall, therefore, be entitled to all the rights of an attaching creditor. If a second or other attachment be issued by any other judge, return is to be made to the judge who issued the first, and all the papers are to be transmitted to him: the proceedings are to be the same as if such attachment had been issued by the officer who issued the first warrant, and the creditors are to have the same rights. Assignees of the person proceeded against, and persons who may have received payment from him, may contest the fact of his being absconding, concealed, or non-resident: whenever contested either by them or the debtor, the question may be tried by a jury. If the proceedings be discharged by the debtor's giving a bond, a suit must be brought on it by the creditor within six months. Trustees of the debtor are to be appointed within three months after the expiration of the time limited for his appearance, and if not appointed within that time, the attachment is thereby cancelled. The appointment of trustees is to be recorded. If the debtor die

or become insane before the time limited for his appearance, the proceedings are to be stayed, and the property given to his representatives: if he die after that time, the proceedings are to continue. Sheriffs may be compelled by attachment to return attachments. The proceedings may be removed at any time into the supreme court, by certiorari, who are to proceed thereon, or may remit the matter to the same or any other officer having jurisdiction. The sureties in bonds offered by the debtor, may be required to justify in the same manner as bail in actions. A warrant under this article supersedes an attachment issued under the poor laws.

The second article relates to attachment against debtors confined by crimes, and authorizes similar proceedings, as those prescribed in the first article, against debtors imprisoned in the state prison for any term less than life, and against debtors imprisoned in a county jail for any term more than one year. After paying the debts, the trustees may apply the surplus to the support of the family of the debtor or the education of his children, until his discharge, when the property in their hands is to be delivered to him. Connected with this subject, it is proper to remark, that, by title seven of chapter one, of the fourth part, every person injured by the commission of a felony, for which the offender shall be imprisoned in the state prison, is to be deemed a creditor under the provisions of this article, and the amount of his damages are to be ascertained by a suit brought by him against the trustees of the offender's estate.

The third article relates to voluntary assignments made by an insolvent, in conjunction with creditors to two thirds the amount of his debts. Creditors may require a hearing before a jury, in all cases. If it appears that since swearing to his petition, the insolvent has collected any debts, or transferred any property, before he can receive a discharge, he is to pay the amount thereof: except such

as were necessarily expended for the support of himself or family. If it shall appear, that after this article has taken effect as a law, the debtor, knowing his insolvency, or in contemplation of it, or of his petitioning, has made any transfer of any property, or confessed a judgment or given any security, with a view to give a preference for any antecedent debt or creditor, he shall not be entitled to a discharge. The finding of the jury on any point in favour of the insolvent, is to be conclusive on the officer, and he is to grant a discharge. Contingent interests do not pass by the assignment, unless they become vested within three years. The effect of discharges, is very distinctly expressed, in conformity with the decisions of the supreme court of the United States: the insolvent is discharged from all debts founded on contracts made since 12th April, 1813, within this state, or to be executed within this state; from all debts owing to persons residing in the state at the time of first publishing notice; and from all debts owing to non-residents who unite in the petition to accept a dividend. With respect to contracts made after 1st of January next, the insolvent is also discharged from all liabilities as maker or endorser of notes or bills, made before his assignment, notwithstanding any party to such note or bill may pay the same after the making of the assignment. And in respect to such liabilities, the discharge may be pleaded in bar of any action, and the insolvent is not to be imprisoned on account of them.

The fourth article relates to proceedings by creditors, to compel an assignment by an insolvent. Any creditor having a demand to the amount of twenty-five dollars, against a person who has been imprisoned in execution in a civil action sixty days, may commence the proceedings by petition; on which a day is to be appointed and notice given, as under the last article. On the day of hearing, upon receiving the affidavits of any creditors, the officer is to direct

the debtor to be brought before him to be examined on oath concerning his creditors, the sums due them and the place of their residences, and if he refuses, he is to be committed to close custody until he complies; and other proof of his debts is to be taken. If it appear that two thirds in amount of the creditors, have not requested an assignment, all proceedings are to cease; but if two thirds have requested it, the debtor is to render an account, &c., and the like proceedings as those prescribed, in the last article are to be had.

The fifth article of chapter *five* of the second part, relates to assignments for the purpose of exonerating the person from imprisonment. It varies from the existing law in the same particulars as were specified in article three, in requiring the debtor to pay the value of any debt collected by him, and of any property assigned by him after presenting his petition; and in forbidding the preferences stated in that article. Liens acquired by judgments, are not affected by discharges under this article; and property acquired after the discharge, is subject to pre-existing debts.

The sixth article relates to assignments made by imprisoned debtors, on their petition to the common pleas of the county. The differences from the present law are the following: If a debtor shall have remained imprisoned for three months without applying for the benefit of this article, or the preceding third and fifth articles, the creditor at whose suit he is charged, may by a notice in writing require him to apply for his discharge according to this article. And if within thirty days he does not apply either under this or the third or fifth article, he is to be for ever barred from obtaining a discharge under any of the insolvent laws. The provision, thus extended, enables creditors to compel an early assignment and thus prevent the waste of his property by a debtor remaining on the limits.

The seventh article contains general provisions relating to the proceed-

ings under the preceding articles. If an insolvent, by collusion, procures himself to be imprisoned in a county different from that of his residence, with a view to obtain his discharge, it is void, and such collusion may be shown at the hearing to prevent a discharge. Applications are to be made in the county where the insolvent resides, or is imprisoned; but if there be no officer residing there, disinterested as creditor or otherwise, they may be made to any other officer, and in all cases the hearing is to be had in the county where the insolvent resides or is imprisoned. In case of death, sickness, absence, resignation, &c., of the officer before whom the proceedings commenced, they may be continued by any officer of the same county having jurisdiction; and if there be none such, a judge of the county courts may adjourn the case into the common pleas who may proceed in it. Affidavits made by non-resident creditors before a judge or clerk of a court of record, authenticated under seal, are to be received. Witnesses may be attached for not obeying subpoenas, and may be committed for not answering. Upon a hearing, the presiding officer is to keep minutes of the material part of the testimony and of the examinations of the insolvent. Jurors are liable to a fine of ten dollars for not attending, to be recovered by the creditor requiring their attendance. Assignments are to be recorded in the county clerk's office. If a discharged insolvent applies to an officer to be liberated from an arrest or *mesne* process, notice is to be given to the plaintiff, who may show as cause against such liberation, any fraud committed in obtaining the discharge, or any other act which by law would avoid it; and the officer may require the insolvent to be held to bail. In case an assignee refuses to give a certificate of an assignment, a new assignee may be appointed, or the discharge may, notwithstanding, be granted. Proceedings under the third, fourth, and fifth articles, are to be filed with

the county clerk within three months after they are consummated. The landlord's right to distrain for any amount not exceeding the last year's rent, is not to be affected by any provisions of this title. Debts to the United States are not to be affected, nor can a debtor to the United States be discharged or exonerated from imprisonment, by any provisions of this title. But debts to this state, except taxes, are to be affected in the same manner as private debts, and persons prosecuted by the state, are to be discharged and exonerated from imprisonment in the same manner as if sued by an individual; and all notices required to be served on plaintiffs, are to be served on the attorney-general. The eighth article is devoted to the powers, duties, &c., of trustees and assignees under the different articles, and they are declared trustees for the creditors. The survivor or survivors of trustees, are to have all the powers, &c., of the whole. Their principal powers and duties are enumerated under nine heads. They are not to allow set-offs, unless the debts were owing before the commencement of proceedings. They are to publish notices, in all cases, requiring all persons indebted to the insolvent, or absconding, or absent debtor, to render an account of their debts and to pay them; requiring persons having any property of the debtor in their possession, to deliver it, and requiring the creditors to exhibit their demands on a day to be specified. The provisions for discovering the property of the debtor, or any debts due him, which now exist in relation to absent debtors, are extended and applied to all insolvent debtors. The trustees have power to compel references to settle disputes, and the mode of proceeding is particularly specified. They are to keep a regular account of all moneys received by them, to which any creditor may have access. In making dividends, they are first to pay debts to the United States, and all debts having a preference by the laws of the United States,

and they are then first to pay all debts owing by the debtor, as guardian, executor, administrator, or trustee, and if there is not sufficient to pay all of that character, then they are to be paid rateably. Trustees may retain in their hands sufficient moneys to meet any demand in controversy. Penalties recovered by them, form part of the estate of the debtor. If a dividend be unclaimed for one year, it shall be deemed to have been relinquished and shall be distributed among the other creditors. Within ten days after any dividend, the trustees are to file an account, and they may be compelled, by rule of court, to render an account at any time. They may be removed by the supreme court for cause shown. Provision is made for supplying the place of a trustee removed, dying, or otherwise incapacitated, and also to enable trustees to renounce.

The second title of chapter *fifth*, relates to the custody and disposition of the estates of idiots, lunatics, persons of unsound minds, and drunkards. Jurisdiction is given to the courts of common pleas to exercise equity powers over the estates of drunkards, when they amount to less than two hundred and fifty dollars, and the first judge may award a commission. Provision is made for appeals to the court of chancery from the decrees of the common pleas. The filing of inventories by committees, may be compelled. In other respects this title corresponds with the existing laws substantially.

Chapter *sixth* of the second part is entitled "Of wills and testaments; of the distribution of the estates of intestates, and of the administrators;" and consists of six titles. This chapter may be termed a codification of the law on the subjects of which it treats, and probably contains more new provisions than any other in the work. Selection from this mass becomes indispensable, and in making it, care will be taken, not to omit important principles. The first title relates to wills of real property, and the

proof of them. Every interest in real property descendible to heirs may be devised. Devises to aliens are void, and the land so devised descends to the heirs or passes to the devisees. A devise of all the testator's real property, passes all he was entitled to devise at the time of his death. Wills of real property are to be proved before the surrogate, who could take the proof of them as wills of personal property; and the mode of proof before the supreme court and common pleas is abolished. Full provision is made for giving notice to the heirs. All the witnesses living in the state who are of sound mind, are to be produced, and the absence of any, is to be accounted for to the surrogate. The will so proved, or its record, are to be received in evidence, but may be repelled by contrary proof.

The second article relates to wills of personal property. These may be made by males above 18, and unmarried females above 16, and *must in all cases be in writing*, except that a soldier in actual military service and a marine at sea, may make a nuncupative will. Wills of personal estate are not to be admitted to proof without notice personally to the next of kin in the county, and by publishing it, if any are out of the county. The mode of proving them is prescribed, and the proof is to be conclusive, unless contested by a relative of the testator, within a year. The mode of proceeding to contest the will or the proof is pointed out, and the duty of surrogate's upon revoking any probate.

The third article contains general provisions applicable to wills of all descriptions. Wills of real and personal property are to be executed and attested in the same manner: they are to be signed by the testator at the foot of the will; and there are always to be *two* attesting witnesses who are to write to their places of residence, and for omitting to do so, they forfeit fifty dollars. *Three* witnesses are therefore no longer required to wills of real property, and to wills of both real and personal property, it will be

seen, *two* witnesses are essential. Wills can be revoked only by an instrument in writing, executed with the same formalities as the will, or by cancelling, &c., with the intent to destroy, or by some of the modes afterwards specified. If, after making a will, the testator marry and has issue, and the wife or issue survive him, his will shall be deemed revoked, unless provision for the issue is made in it, or an intention appear from the will not to make such provision. A will of an unmarried woman is revoked by her marriage. An agreement, &c., to convey property shall not be a revocation of any devise of such property, but it shall be deemed subject to the agreement. Charges on real or personal estate, to secure money, &c., are not to be deemed revocations, but the property passes subject to the charge. A deed, &c., by which the interest of a testator in property before devised shall be altered but not divested, shall not be a revocation, unless such intention is declared or the deed be wholly inconsistent with the devise, &c. If a child is born after the making of a will, and no settlements or other provision is made for it, and it is not mentioned in the will, it shall succeed to that portion of its father's estate, to which it would have been entitled if no will had been made; and provision is made for obtaining such portion. If a person deriving any interest under a will, be a witness to it, it shall be void so far only as it concerns him and those claiming from him; and he shall be compelled to testify concerning its execution, if it cannot be proved without him. But if the witness would have been entitled to a share of the estate, had there been no will, it shall be saved to him, but shall not exceed the devise or legacy made to him by the will. If property be bequeathed to a child or descendant, who shall die before the testator, leaving a child or descendant, it shall pass to such surviving descendant. The destruction of a second will shall not revive a prior one, unless it be relinquished; nor shall the revocation of a second

will revive a prior one, unless so declared expressly. Appeals from surrogates decreeing a will to be proved, may be made to the circuit judge, who is to direct an issue, if any question of fact be involved, the verdict in which is to be conclusive. Provision is made for the costs, &c., of such appeal and trial. The court of chancery may take proof of any will lost or destroyed, and is vested with full powers to restrain administrators, &c., and this provision extends to wills heretofore made; and in respect to persons dying hereafter, certain particulars are required to be proved, to establish a lost will. These provisions respecting the proof of wills, apply to all whenever made. Those in relation to the revocation of wills, apply to such only as shall be made by persons living on the first of January 1831. This title is not to affect any will made before 1st of January, 1830, or the construction of such will.

The second title of chapter six of the second part, is entitled "Of granting letters testamentary and of administration." Letters testamentary are not to be granted until the expiration of thirty days after the will shall have been proved, during which time objections to the persons named as executors may be filed. Persons incapable of making contracts, (except married women,) minors, aliens who have not taken steps to be naturalized, those convicted of an infamous crime, (felony,) and those adjudged by the surrogate incompetent by reason of drunkenness, improvidence, or want of understanding, cannot serve as executors. A married woman cannot be executrix without the consent of her husband in writing, who thereby becomes responsible for her acts. Executors may be required to give the like bonds required of administrators, whenever their pecuniary circumstances are precarious. Non-residents are in all cases to give bonds. Provision is made to compel a person named as executor to appear and qualify, or that he shall be deemed to have renounced.

Executors are required to take an oath. If the persons named as executors do not qualify, letters are to issue to others. Executors are not to act, except in special cases, until they receive letters testamentary. An executor of an executor has no authority over the estate of the first testator, but letters of administration are to issue on the death of the first executor. If after a person has received the letters testamentary, he shall become incompetent to serve, or his pecuniary circumstances shall become precarious, or have removed, or be about to remove from the state, he may be required to give bonds, or may be removed, as the case may require. The cases in which surrogates are to grant letters of administration are defined, and they are to have sole and exclusive jurisdiction in such cases. And where an intestate, not an inhabitant, leaves assets in several counties, the surrogate of any such county may act, and he who first commences has exclusive jurisdiction. The persons, and the order in which they are entitled to administration, are specified. Persons incompetent to serve as executors, cannot be administrators; nor can married women, but their husbands may take letters in their right. And if the next of kin entitled be a minor, his guardian shall be preferred. Persons not entitled may be joined with those who are, upon their written consent. Temporary collectors of an estate may be appointed, when delay is produced in the granting of letters, by reason of a contest or for any other cause. The bonds of administrators are very simple—that they shall faithfully execute their trusts, and obey all the orders of the surrogate. Upon one executor, &c., becoming incompetent, dying, being removed, &c., the others are to act; and if all become incompetent, &c., new letters of administration are to issue. When a surrogate is interested in an estate, or his office is vacant, the first judge of the county is to act, and special provisions are enacted to enable him to execute the duty. And if the first judge and sur-

rogate be both interested, or their offices are vacant, the district attorney is to act. The testimony taken on the proof of any will or upon any contest respecting letters of administration, &c., is to be entered in books. Executors in their own wrong, as they are called, are in effect abolished, as they are to account to the legal representatives for all property and money received, and have no right to retain for their own debts.

The third title of chap. *six* relates to the duties of executors, &c., in taking inventories, paying debts, accounting, and making distribution. Appraisers are to proceed with the executors, &c., after notice to the next of kin, &c., to appraise and inventory the property. The property to be included, called *assets*, is particularly specified. Securities for money are to be specified, and the amount collectable thereon, and specie, bank bills, &c., are to be enumerated, and if there are none, the fact is to be stated. The naming a person executor in a will, is not to discharge any debt against him, but he is to account for the debt as so much received. The discharge or bequest of any debt is not valid as against the creditors of the testator, but is to be treated as a specific legacy. Executors, &c., may be compelled to return inventories, and for disobedience may be committed and their authority may be revoked; and their bonds are to be prosecuted. Any one administrator, &c., may return an inventory, if the others neglect. Whenever assets are discovered after an inventory is returned, an account of them is to be rendered. Administrator, &c., when necessary, may sell the personal property on a credit of not more than one year. Articles necessary for the support of a family, or specially bequeathed, are not to be sold until other property is exhausted. The order in which debts are to be paid, is declared: 1, debts having a preference under the laws of the United States; 2, taxes assessed before the death of the deceased; 3, judgments

and decrees; 4th, all other debts, by which the preference heretofore given to sealed instruments over other debts, is abolished. Debts due are not to be preferred to debts not due; nor does the commencement of a suit, or the obtaining a judgment (by confession or otherwise) entitle a debt to any preference. In certain cases the surrogate may authorize the payment of rent in preference to other debts of the same class. Execution is not to issue against an administrator, &c., without the order of the surrogate, or until his account is settled, and in the latter case the proportion of assets belonging to the debt only is to be collected. Executors, &c., cannot retain for their own debts until they shall have been allowed by the surrogate, and then it is to be paid only in proportion with other debts of the same class. Executors, &c., may give notice to creditors to exhibit their demands, and may require them to be verified on oath; and if they be doubted, may agree to refer the controversy; which, by a very short proceeding, is to be referred, and the report, if not set aside by the court, is to have the same effect as a judgment on a trial. If a rejected claim be not referred, the creditor must bring a suit within six months after a right of action has accrued, or he is to be for ever barred from recovering the demand. If a demand be not presented within six months after the publication of the notice to that effect, and a suit be brought on it, the administrator, &c., is not to be liable for any money he has paid in satisfaction of other debts, or for any legacies paid by him, or any sum distributed to the next of kin; but the legatees and the next of kin are to be liable for the property received by them. In suits or demands not presented as before mentioned, no costs can be recovered against the defendants, nor can costs be recovered in any case, unless it appear that the demand was presented within the time before specified; that its payment was resisted or neglected; or that the defendant refused to refer the con-

troversy: and the court has a discretion to direct the costs to be collected of the defendants personally, or of the estate of the deceased, as shall be just. The payment of legacies may be enforced by the decree of the surrogate. The persons to whom to be paid, and the manner of investing or securing them, are pointed out.

After the expiration of eighteen months from his appointment, an executor, &c., may be compelled to account; when he is to produce vouchers for all sums paid, which are to be deposited with the surrogate; but he may be allowed for items not exceeding twenty dollars on his own positive oath; but the total of such items is not to exceed five hundred dollars. Allowances are to be made for property lost, &c., without default, and for the decrease in the value of property, and they are not to receive profit for its increase. The rate of commissions, exclusive of expenses, is prescribed; but it is not to be allowed where a specific compensation is provided by the will. A mode is provided for having a final settlement at the instance of an executor, &c., upon notice to be served and published. Auditors may be appointed by the surrogate to examine the accounts and report to him. Such settlement is conclusive when allowed by the surrogate, or confirmed on appeal; but it may be shown afterwards that the executor, &c., has received money or property not included in his account. Upon the settlement being made, the surrogate is to decree distribution, and the share each person is to receive; and personal property, and securities for money may be distributed in lieu of their value. Sufficient may be retained to meet any suit, that may be pending. The rules of distribution are altered in some respects. The widow is to have the whole if there be no descendant, parent, brother, sister, nephew, or niece of the intestate; and if there be no descendant, or parent, but there be brother, sister, nephew, or niece of the intestate, she receives the whole, when it does not

exceed 2000 dollars; and if it exceed that sum, then she receives to that amount. Provision is made for the mother of an intestate receiving a portion, where there is no father; and the whole if there be no widow, descendant, brother, or sister, or representative of them. The law of advancement is extended to personal estate, as mentioned in a former number. Persons entitled to legacies or distributive shares, may, under certain circumstances, be allowed to receive a part thereof in advance, for their support.

The fourth title treats of the powers of administrators, &c., in the disposition of the real estate of intestates, &c. Petitions for the sale, &c., of real estate, may be presented after the settlement of the administrator's account, and within three years after granting letters of administration, &c., which are to contain matters particularly specified. More full provisions are made for notices to devisees, &c., to show cause. Upon the hearing, creditors and others interested may contest the debt set up, and the surrogate may order a feigned issue to try questions of fact. The demands ascertained to exist are to be entered by the surrogate in his minutes, and the vouchers are to be filed with him. A sale is not to be ordered until it is ascertained, whether the money required may not be raised by mortgage or lease of the real estate. Before ordering a sale, new bonds are to be required from the executor, to pay over the money arising from the sale; and if such bond be not executed in a reasonable time, the surrogate is to appoint two freeholders to make the sale. Credit may be given on sales; and they may be opened, if a new bid of ten per cent. more can be obtained. The sales are to be subject to all charges by mortgage or judgment, existing on the land sold. Devisees and heirs are to be exonerated from the debts, to the extent of the money brought in upon such sales, which is in all cases to be paid to the surrogate, who is to distribute it among

the creditors. He is first to satisfy any claim of dower upon the land sold, and if it cannot be done, he is to vest a sufficient sum to produce an income equal to the dower, which is to be paid to the widow. Notice of the distribution is to be published, and the debts are to be ascertained. Securities taken on the sale, or on the investment of the dower found, are to remain with the surrogate, to be collected and applied by him. If there is any surplus, it is to be distributed to the heirs and devisees of the deceased. Executors and administrators may be compelled by creditors to apply for orders for sale, and in case of refusal to perform the necessary acts, the surrogate may appoint a freeholder to proceed and sell. Suits against heirs and devisees are not to be brought, until after three years from the granting letters of administration; and they may then be stayed, if an application is pending for an order of sale. Sales by executors under a will, are to be made upon like notice and in the same manner as those ordered by a surrogate; and they may be compelled to account for the proceeds of such sales and to make distribution. Special provision is made for the sale, by order of the surrogate, of the interest which a deceased purchaser had, in a contract for the sale of land, and the contract is to be assigned to the purchaser thereof. The proceeds are to be paid to the surrogate, who is first to pay the money due on the contract, then to pay debts, and to distribute the surplus among the heirs of the deceased. A portion of the land under contract may be sold, when it will be sufficient to pay the amount due upon it and the creditors of the estate. And the vender of the land may be compelled specifically to perform his contract, for the benefit of the purchaser.

Title five of the *sixth* chapter of the second part, treats of the rights and duties of executors and administrators. The new provisions on this subject are chiefly the following. Executors, &c., may maintain actions

for trespass committed on the lands of their testator, &c., in his lifetime. Suits commenced by executors, &c., are not to abate by their death, removal, &c., but may be continued by the co-executor, &c. if there be any, or by the successor. Suits against them may be continued against successors, or the party may proceed against the administrator, &c., removed, to charge him personally, but no judgment in such case is to affect the estate. The surrogate has power to decree the payment of *debts* after the expiration of six months from the granting of the letters of administration, &c.; and after one year, he may decree payment of legacies or distribution among the relatives. Upon a creditor obtaining a judgment at law against an executor, &c., he may apply to the surrogate for an order to issue execution; upon which the executor, &c., is to be cited to appear, and if assets be found in his hands applicable to the judgment, an order for execution is to be made, which is to be conclusive evidence that there are assets; and the mode of appealing from such orders is regulated. Such orders are to be made from time to time, as often as may be necessary. The surrogate of the county in which letters are granted, is entitled to act in all matters relating to the estate on which such letters were granted.

The sixth title relates to public administrators: the first article of which concerns that officer in the city of New York. Many new and important provisions are introduced, having in view chiefly the securing the estates of deceased strangers for the benefit of their relatives, mostly confined in their operation to New York. The powers of the public administrator in New York are to cease, 1st, when a will has been proved, and letters have been granted thereon, either before or after he has taken letters; 2d, when letters of administration have been granted to any other person, before he received them; 3d, when such letters shall be granted by any surrogate having jurisdiction,

within six months after the public administrator became vested with the power of administering on the estate: and if within three months after that time any relative of the deceased applies, and shows that he was not a resident of New York, or being such a resident he was not notified, he is to be entitled to letters of administration. An annual account is to be exhibited to the common council, showing the name of every person on whose estate the public administrator has administered, his addition, the place of his residence at the time of his death, and the place or country from which he came, and the total amount of receipts and expenditures in each case; which statement is to be published for three weeks in the state paper; and a penalty of \$500 and forfeiture of office, is imposed for neglecting to render or publish such statement. Every keeper of a boarding or lodging house in New York is to report to the public administrator within twelve hours, the death of every transient person, under a penalty of \$100 for each neglect; provided a copy of the section is served within one year previously, on such keeper of a lodging house, &c.

The second article of this title relates to public administrators, in other counties besides New York. County treasurers are authorized to take charge of estates amounting to \$100 or more, of intestates, where letters shall not have been granted, 1st, when the intestate dies in the county, leaving no widow or relative in the county, entitled or competent to take letters; 2d, when assets of any person dying intestate shall come into the county, and there shall be no one entitled to take letters. He may be empowered by the surrogate to secure the effects of any estate, although there be a widow and relative, if there are creditors residing more than 100 miles distant, and there is danger of the effects being wasted. Ample provision is made, to enable him to seize property concealed or withheld. The property taken by him in charge, is

to be appraised, and an inventory returned in twenty days at the utmost. (under a penalty of \$500, and forfeiture of office,) when he is to give the bond required of other administrators. Notice to relatives and others to claim administration, is to be given; when the persons entitled to letters are to receive them, and the treasurer is to account to them. If no one appears entitled to letters, and no previous administration has been granted by any other surrogate, the treasurer is to be appointed administrator upon giving bonds. His powers may be superseded, 1st, by the production of letters testamentary upon a will, granted before or after his appointment; 2d, by producing letters of administration granted before he was appointed; 3d, by producing such letters granted by the surrogate of a county, of which the deceased was a resident at the time of his death; and upon being superseded, the treasurer is to account. Within a year after receiving letters, the treasurer is to account, and he is entitled to his expenses and to double the commissions allowed to other executors. He is to render an annual statement to the comptroller, and to publish it for three weeks in his county and in the state paper, under a penalty of \$100; and the balance of money in his hands is to be paid into the state treasury, from which it may be drawn on the application of any creditor, legatee, or next of kin of the deceased, to the court of chancery, by an order of that court, but without any interest thereon, and after deducting all expenses incurred.

The *seventh* chapter of the second part relates to fraudulent conveyances and contracts. A grantee in a fraudulent conveyance of land, who was not privy to the fraud intended, is not to be divested of his title at the instance of a subsequent purchaser, who at the time of his purchase had actual or legal notice of the fraudulent conveyance. This provision settles a very important principle, which has been long altercated in the courts in England and in this country. If a

power to revoke a conveyance and to reconvey, be given, and the attorney shall thereafter convey to a *bona fide* purchaser; it shall be as valid as if the power to reconvey were recited therein, and the intent to revoke the former conveyance was expressly declared. No estate or interest in land, other than leases for *one* year, nor any trust or power in relation thereto, can be created, granted, surrendered, or declared, unless by operation of law, or an instrument in writing, signed by the party or his agent. [The former law excepted leases for not more than *three* years. The consequence of the alteration is, that leases for more than one year must be in writing.] Contracts for leasing for more than one year, or for the sale of any interest in lands, or some note or memorandum thereof expressing the consideration, are to be in writing, and to be subscribed by the party by whom the sale or lease is to be made, or by his agent; and if not so made they are to be void; but the power of courts of equity to compel specific execution of agreements when there has been a part performance, is not to be affected. All deeds of gift and transfers, verbal or written, of any personal property, made in trust for the use of the grantor, are void as against the existing or subsequent creditors of such grantor. Agreements, which by their terms are not to be performed within a year; promises to answer for the debt, default, or miscarriage of another person; and agreements upon consideration of marriage, except mutual promises to marry, or some note or memorandum thereof expressing the consideration, must be in writing, and subscribed by the party to be charged.

Contracts for the sale of chattels and things in action, for the price of fifty dollars or more, or a note or memorandum thereof, must be in writing, or the buyer must have received part of the goods, or the evidences of the things in action, or the buyer at the time of the contract must have paid some part of the purchase money:

otherwise such contracts are void. [The former law required such contracts for the sale of goods for the price of twenty-five dollars or more to be in writing, &c.] A memorandum made by an auctioneer, in his sale book, at the time, of goods sold, specifying the names of the parties, the nature and price of the property sold, and the terms of the sale, is to be deemed a note in writing, within the previous provision. Sales of goods remaining in the possession of the vendor, and assignments of goods as security, or upon any condition whatever, unless accompanied by an immediate delivery, and followed by an actual and continued change of possession, are fraudulent and void as against the creditors of the vendor or assignor, and as against subsequent purchasers in good faith; and are to be conclusive evidence of fraud, unless the person claiming under such sale or assignment makes it appear, that the same was made in good faith and without intent to defraud. [This provision is intended to settle the law on this perplexing subject; it throws the burthen of proving a good consideration, and the absence of an intent to defraud, on the claimant.] Contracts of bottomry and respondentia and hypothecation of goods or vessels at sea or in foreign ports, are exempted from the foregoing provisions. Grants or assignments of existing trusts in any species of property, are to be in writing. The question of fraudulent intent in all cases arising under the provisions of this chapter is to be deemed a question of fact and not of law; and no conveyance is to be judged fraudulent solely on the ground, that it was not founded on a valuable consideration. [This provision is intended to put an end to what is called fraud in law, and to refer the question in all cases to the jury, or to those who are to judge of the facts.] The title of a purchaser for valuable consideration is not to be impaired, unless it appear that he had previous notice of the fraudulent intent of his immediate grantor, or of the fraud render-

ing void the title of such grantor. The term "conveyance," as used in this chapter, is defined to mean every instrument, except a last will, whatever may be its form, by which any estate or interest in land is created, aliened, assigned, or surrendered. But this chapter is not to extend to any conveyances made, or proceedings had or commenced before the 1st of January, 1830.

The *eighth* and last chapter of the second part, treats of the domestic relations; husband and wife, parents and children, guardians and wards, masters, apprentices, and servants. The consent of the parties is essential to the validity of a marriage as a civil contract: such consent can be given only by a male of the full age of seventeen, or by a female of the full age of fourteen years. [By the former law, males must be fourteen, and females twelve years of age, to be capable of contracting marriage.] Marriages between grand parents, parents, children and grand children, and between brothers and sisters, of the half or whole blood, are incestuous and void. Marriages contracted by persons incapable of contracting, or whose consent has been obtained by force or fraud, are void from the time their nullity is judicially pronounced. Second and subsequent marriages are void, except in the same cases now provided by law; but when a marriage has been contracted by a person whose husband or wife has been absent for five years, without being known to be living, it is to be void only from the time its nullity is judicially declared. The existing law respecting the mode of contracting marriages, and the persons by whom they may be solemnized, is not *touched*. The want of some legal means of perpetuating the evidence of a marriage has long been severely felt in this state, particularly in cases where it became necessary to establish a pedigree. To remedy this defect, and for the purpose of providing legal and permanent evidence of a

marriage, the following provisions have been enacted: They are to be solemnized by ministers, county judges, or justices of the peace; who are to ascertain, and enter in a book kept by them, the names, ages, and places of residence of the parties, and their occupations; the name and evidence of one attesting witness at least, and of two, if there be two present. Proof of the identity of either party, who is not personally known to the minister or magistrate, is to be made by the oath of some known person, which oath may be administered by any magistrate. It is declared a misdemeanour, punishable by fine and imprisonment, for any minister or magistrate to solemnize a marriage, when either of the parties is to his knowledge under the age of legal consent, or an idiot, or lunatic, or any other legal impediment exists. A certificate of the marriage is to be furnished, specifying the same matters required to be ascertained; that the parties were personally known, or satisfactorily proved by the oath of a person known; the names and residences of the attesting witness or witnesses; the time and place of marriage; and that after due inquiry there appeared no lawful impediment to such marriage. Certificates must be presented, within six months after the marriage, to the clerk of the city or town where it was solemnized, or where either of the parties resides; if signed by a magistrate, they are at once to be filed by the clerk and entered in a book; if signed by a minister, it must be acknowledged by him before a magistrate, or proved to have been executed by him. Such certificate, its entry by the clerk, or a copy of either, shall be received in all courts and places, as presumptive evidence of the fact of such marriage. The provisions of this article are not to extend to Quakers or Jews.

The cases are enumerated, in which marriages are to be dissolved on account of the nullity of the contract; and the persons by whom, and at

what time, application for that purpose is to be made. When a subsequent marriage has been contracted during the lifetime of a former husband or wife, believed to be dead, and in good faith, the issue of such marriage before its nullity was declared, are to inherit as legitimate children the real and personal estate of the parent who, was competent to contract. The children of a marriage annulled on the ground of lunacy or idiocy, are to inherit as legitimate the property of the parent who was of sound mind. Bills to avoid a marriage irregularly solemnized and not consummated, may be brought by either of the parties, or by the parent, guardian, or next friend of the party who is minor; and after the death of a party, by any relative interested, to contest the marriage. Sentences of nullity of marriage are not to be pronounced on the confessions of the parties, but only on satisfactory evidence of the facts; and if made during the lifetime of the parties, are conclusive in all cases; but if made after the death of either party, they are conclusive only on the parties to the suit, or those claiming under them.

Divorces on the ground of adultery may be denied, when the offence has been committed with the connivance of the complainant, or where it has been forgiven by the injured party, and it is expressly proved, or there has been voluntary cohabitation with acknowledgment of the offence, or where the suit shall not have been brought within five years after a discovery of the offence, or where the complainant has been guilty of adultery. Provision is made respecting the legitimacy of the children, upon divorces for adultery being granted.

Separations from bed and board for ever, or for a limited time, may be decreed on the application of a married woman only, in the cases now provided by law, and with the same consequences. And such decrees may be revoked by the court pronouncing them, upon the joint appli-

cation of the parties, and satisfactory evidence of their renunciation. In suits for a divorce or a separation, the husband may be required to pay any sums necessary to enable the wife to carry on the suit, and costs may be decreed against either party.

The only new provision in the title concerning parents and children, is the following: When husband and wife live in a state of separation without being divorced, the wife may apply to the supreme court for a habeas corpus, to have any minor child brought before it; and the court may award the custody of the child to the mother, under such regulations as the case may require; which order may be at any time thereafter annulled or varied.

Where no guardian of a minor has been appointed by the will of its father, the surrogate of the county where the minor resides, has the same power to allow and appoint guardians as is possessed by the chancellor; which power is to be exercised on the application of the minor, if he be fourteen years old, or of any relative or other person in his behalf, if he be under that age; and in the latter case, a day for the hearing is to be assigned, and notice is to be given to the relatives of the minor residing in the county. He has the same discretion in selecting guardians as in the appointment of administrators, but he is to give preference to certain relatives in the order particularly prescribed. The bonds of guardians are to be kept among the papers of the surrogate, and are to be prosecuted when he shall direct. Guardians for a minor under fourteen are to continue until another guardian be appointed, or they be discharged, although the minor may have arrived at fourteen. They may be cited to account by his ward or by any relative, on showing cause; and shall be compelled to account on the ward's arriving at full age, without cause being shown. And in such case, and also upon a guardian's being super-

seded, he may compel an account; and appeals from the final settlement of such accounts may be made in the same manner and time, and with the same effect, as in case of administrators. Guardians may be removed by the surrogate appointing them, on the application of a ward or his relative, and on proof of the incompetency of such guardian, or of his wasting the estate, or of any misconduct in relation to his duties as a guardian. Provision is made for giving notice of such application, and for the proceedings thereon; and upon a guardian being removed, a new one is to be appointed. Appeals from an order appointing a guardian, or removing him, or refusing to remove him, may be made to the chancellor within six months, by any person interested. But an order of removal is not to be affected by an appeal until reversed. Guardians are to be allowed for their expenses, and the same rate of compensation for their services, as is prescribed for executors.

The provisions of the existing laws concerning apprentices and persons held in service, are collected and arranged, with few variations. Among them are the following: It is made the special duty of overseers of the poor and county superintendents, to take care that the terms of all contracts, by which persons are bound or held in service be fulfilled, and that such persons be properly used, and to inquire into the treatment of such persons, and redress their grievances. Apprentices and servants wilfully absenting themselves without leave, may be compelled to serve double the time of such absence, unless satisfaction be otherwise made; but such additional service is not to exceed three years after the end of the original term. Upon a complaint of a master of the misconduct of an apprentice, &c., to two justices, they may discharge the offender from service, and the master from his obligations, or may commit the apprentice, &c., to jail, for not more than a month,

there to be confined in a separate room, and to be employed in hard labour. And upon complaint of the misconduct of a master, they may discharge the apprentice, &c.; but these provisions do not apply when any sum of money is paid, or agreed to be paid, for the instruction of the apprentice, &c. In such cases, on a complaint to a justice, he is to make such order as the equity of the case may require; and if the difficulty cannot be reconciled, he is to take a recognizance from the master or apprentice complained of, to appear at the next court of general sessions, who may discharge the apprentice and order any money paid to be refunded, and may punish the apprentice by fine and imprisonment, or both. Upon the death of any master to whom an apprentice has been bound by the overseers of the poor or the county superintendents, the executor, &c., may, with the written consent of the person bound acknowledged before a justice, assign the indentures to any other person; and if such consent be refused, the court of general sessions may, notwithstanding, direct such assignment, after fourteen days notice to the apprentice, his parent or guardian, if there be any in the county.

The **THIRD PART** of the revised statutes is entitled "An act concerning courts and ministers of justice, and proceedings in civil cases," and consists of ten chapters. The *first* chapter treats of the courts of general or limited jurisdiction. With respect to the court for the trial of impeachments, and the correction of errors, it is provided that the major part of the members then in office, and constitutionally competent to vote on the question pending, shall be sufficient to constitute the court, but no decision can be made without the concurrence of ten members, competent to vote on the question. The reasons to be assigned by the chancellor, or judges of the supreme court, for the decree or judgment appealed from.

are to be in writing, and to be read before the argument commences. The chancellor may vote on questions not affecting the merits of the cause or any point decided in the court of chancery, and the judges may vote on like questions arising in causes removed by writ of error from the supreme court.

The powers of the court of chancery are vested in the chancellor, and an original jurisdiction, concurrent with his, is vested in each circuit judge, who is declared a vice-chancellor, and is to take cognizance of all matters in equity, where they shall have arisen within the circuit of such judge, or where the subject matter in controversy shall be situated in such circuit, or where the persons proceeded against, or either of them, reside within such circuit, subject to appeals to the chancellor. The vice-chancellor cannot interfere with any order, &c., of the chancellor, nor review, &c., any proceedings of any other vice-chancellor, or entertain any appeals that may be made to the court of chancery. Bills may be addressed to and filed before any one of them, in cases where the chancellor is a party or interested in the event. In all other cases than those enumerated, the chancellor is to entertain proceedings as heretofore practised. There is to be a clerk of the court of chancery in each senate district, except the first and third, in which the register and assistant register are to officiate as clerks. Causes now pending in the several equity courts, are to be transferred to the court of chancery, and to be proceeded in by the vice-chancellors of the respective circuits. Provision is made for preserving and rendering accounts periodically of money paid into the court, and for its investment. Sheriffs of counties are to attend the stated terms held therein by the chancellor or vice-chancellor; they are to perform all the powers and duties of sergeants-at-arms, and may execute the orders and process of the court, in any county of the state. Application

for an injunction or *ne exeat*, cannot be made to any master in chancery, after it has once been made to any other officer: any order granted on such second application is void, and is to be revoked, and the party obtaining it is to be punished for a contempt.

The powers of the court of chancery are declared to be co-extensive with those of that court in England, subject to the provisions in the constitution and laws of the states. Suits concerning property, where the matter in dispute does not exceed one hundred dollars, are to be dismissed with costs to the defendant. Where a judgment has been obtained at law, and an execution returned thereon, unsatisfied in whole or in part, the court may subject any personal property of the defendant, although such as cannot be reached by an execution, to the payment of the debt; and for that purpose, may compel a discovery and prevent a transfer of any such property. But property or a fund held in trust for a defendant, which has been created by, or provided from, another person, cannot be so affected. [This provision disposes of the much agitated question, respecting the power to reach notes and other securities for debts, bank stock, &c.] Set-offs are to be allowed in chancery, in the same manner, and with like effect, as in actions at law. In all other bills, than such as are for discovery only, the oath of the defendant to the answer may be received, and the answer is to have no greater force as evidence than the bill. The chancellor may modify the practice in all cases not provided for by statute, and he is to make new rules, and to revise them every seven years, with a view to improvements in the practice. Whenever any proceeding appears to have been made unnecessarily prolix for the purpose of increasing the cost, it is made the duty of the chancellor, to order the solicitor or counsellor by whom it was drawn, to pay the costs occasioned by such prolixity to the party injured.

The vice-chancellors respectively

are to hold four stated terms in each year, at such times and in such counties as they shall appoint; which are to remain unaltered for two years. The chancellor, by general rules, is to prescribe the manner of conducting proceedings before the vice chancellor, and the cases in which re-hearings may be granted to them. Where a vice-chancellor shall be unable to hold a term, or be interested in a cause, or shall have been solicitor or counsel, any other vice-chancellor may hold such term or hear such cause.

All bills and petitions in chancery are to be addressed to the chancellor: and such as relate to matters which may be heard by a vice-chancellor, as before stated, are to be presented to him and filed with his clerk. In all other cases they are to be filed with the register or assistant register, who are to be clerks of the court of chancery. Subsequent proceedings are to be filed in the same office with the bill. Vice-chancellors are to proceed on the bills, &c., presented to them, with all the powers of the court of chancery, subject to appeal. Orders and decrees are to be entitled as made before the officer by whom they were in fact made, and are to be entered with his clerk. Appeals from interlocutory orders of a vice-chancellor are to be made within fifteen days after the notice of the order, and from final decrees, within six months after their entry in the minutes, whether enrolled or not.

The chancellor is to prescribe by general rules, the effect of orders made by a vice-chancellor before and after an appeal; when to be suspended and how affected, by an appeal; the manner of bringing appeals before him; the papers to be transmitted and by whom. He may annul, affirm, or modify the order, &c., appealed from, or make any other order, or may remit the cause back for further proceedings, or may entertain them himself. He may, on the application of either party, direct a cause which is ready for a hearing before a vice-chan-

cellor, to be heard before himself. Appeals to the court of errors cannot be made from a vice-chancellor's order, &c., until the chancellor shall have decided on it, except those cases where he is a party. The clerks, on payment of the legal fee, are to furnish solicitors with blank process to appear and answer, and blank subpoenas for witnesses, sealed. Witnesses may be ordered to be examined before a vice-chancellor, and when such order is made, they are not to be examined before an examiner or upon a commission. The chancellor is to make rules to expedite the examination of witnesses and to regulate their examination generally. Final decrees directing the payment of money or costs, are to be docketed on the request of any party thereto, in the same manner as judgments at law, and transcripts are to be sent to the different clerks' offices of the supreme court, to be by them entered. Such decrees are to be lien on real estate from the time of docketing in chancery, and are to cease like judgments, as to purchasers and creditors by mortgage, judgment, or decree, after ten years. The manner of discharging such docket, is prescribed; and upon being discharged the register or clerk is to transmit a note of it to the clerks of the supreme court.

When depositions or other proceedings have been unnecessary and prolix, no allowance is to be made for them in the taxation of costs. Orders requiring persons to exhibit demands and to come in and contribute to the expenses of a suit, in order to derive any benefit from it, are to be published in the state paper and in a newspaper of the county where the demands are to be exhibited. Copious provisions are made for reviving suits, on the death of any of the parties.

In proceedings against absent or concealed defendants, the facts are to be proved on a reference, before a master, and the complainant is to be examined as to payments made to him. Possession of the property or specific

effects demanded by the bill, is not to be given without security to abide the order of the court touching its restitution, in case the defendant shall appear.

There are numerous and very full provisions, regulating the issuing of injunctions to stay proceedings at law. The general principle which pervades them is, that security is to be given by bond, or the deposit of money, to indemnify the party who may be enjoined.

Upon a bill for the satisfaction of a mortgage, where any balance remains due after a sale, which is recoverable at law, the court is to decree its payment by the mortgagor, and to issue the necessary executions for that purpose : and if any other person is liable for the mortgage debt, he may be made a party to the bill and may be compelled by decree and execution to pay the balance due after a sale. And after a bill is filed, no proceedings can be had at law for the recovery of the debt, unless authorized by the court of chancery. If a judgment has been had at law, for the debt, no proceedings can be had in chancery, until an execution has been returned unsatisfied in whole or in part, and the sheriff has returned that the defendant has no property other than the mortgaged premises. The remaining part of the second title of this chapter relates to the proceedings for the sale or other disposition of the estates of infants, in which there is no new provision of importance.

The third title of chapter *first* of the third part relates to the supreme court ; which is declared to possess the powers and authorized to exercise the jurisdiction which belonged to the supreme court of the colony of New York, with the exceptions, limitations, and additions, created by the constitution and laws of the state. There are to be four terms, on the first Mondays of January, May, and July, and the third Monday in October ; the May term to be held in New York, the July term in Utica, and the

others in Albany. The terms may be continued five weeks, but in respect to the issuing, teste, and return of process, (except subpoenas, attachments, and writs of habeas corpus,) each term is to be considered as ending on the second Saturday. The clerks of the courts to appoint deputies, who may perform all the duties appertaining to the office, during the absence from the county of the clerk, while he shall be incapable of performing his official duties, and whenever his office shall be vacant. The court may by general rules establish or amend its practice, in cases not provided for by statutes : and particularly the cases ; in which supreme court commissioners may stay proceedings in causes, the effect of such orders ; and the terms on which they shall be granted. Power is given to the court to compel a party to produce books, papers, and documents in his possession, relating to the merits of a suit ; by general rules to prescribe the cases in which such discovery may be compelled ; and the proceedings ; and provision is made for an order for such discovery to be made by a justice of the circuit court or a circuit judge, and for the revocation thereof. Within two years after the chapter becomes a law, and at the end of every seven years thereafter, the judges are to revise their rules with a view to improvements in the practice.

The fourth title of this chapter treats of circuit courts and sittings, and courts of oyer and terminer. If a circuit judge shall be incapable, from sickness or other cause, to hold a circuit, he is to give notice thereof to the chief justice, who, together with the other justices, is to designate some circuit judge to hold the court, and if none can hold it, it is the duty of one of the justices of the supreme court to hold it ; and the expenses of any judge in attending, holding, and returning from, any court, in such case, are to be paid out of the state treasury. Whenever a circuit court shall fail, the chief justice is to appoint a time

and place for holding another, and to apprise a justice of the supreme court or circuit judge to hold it, and to cause notice of such appointment to be immediately published. A circuit judge may appoint a special court of oyer and terminer to be held for any county in his circuit, not less than thirty days from the date of his warrant, which he is to transmit immediately to the district attorney. Twenty days before the time of holding any oyer and terminer, the district attorney is to issue a precept to the sheriff, the contents of which are given. The sheriff is to cause a proclamation in conformity thereto to be published, once in each week, in one or more of the newspapers of the county.

The fifth title of this chapter relates to the court of common pleas and courts of general sessions.—Among the powers of courts of common pleas, is that of granting new trials without the concurrence of the first judge, &c. Among those of the general sessions, is that of reviewing convictions of disorderly persons actually imprisoned. Such courts may, by an order to be entered in their minutes, send indictments triable before them, which shall not have been determined, to the next court of oyer and terminer to be held in their counties. Each term of the several courts of common pleas and general sessions may be held until and including the second Saturday after its commencement; but process (excepting subpoenas and attachments) cannot be tested or made returnable in the second week. The court of common pleas in Albany may be held by the first judge alone, and it is made his special duty to hold it.

The sixth title of this chapter relates to mayors' courts in cities, in which there is no new provision.

The second chapter of the third part treats of courts of peculiar and special jurisdiction. The first title relates to surrogates' courts. Every surrogate is to hold a court for the purposes particularly enumerated;

among which is the power to take the proof of wills of real and personal estate, in the cases prescribed by law; and of wills relating to real estate within his county, where the testator shall have died out of this state, not being an inhabitant thereof, and not leaving any assets therein. His court is to be open at all times, and particularly on Monday of each week; it is his duty to attend at his office to execute the powers conferred on him. He has power to issue subpoenas; and to enforce them by attachment; and in like manner to enforce other process issued by him, and all lawful orders and decrees against persons refusing to obey them; to exemplify records, papers, &c., which are to be received in evidence, in the same manner as exemplifications of courts of record; and to preserve order in his court, by punishing contempts. He is to keep six distinct books, in which he is to record wills; letters of administration, &c.; accounts of executors and administrators; minutes of order and other proceedings in relation to estates of deceased persons; the appointment of guardians and their accounts; and all proceedings in relation to the admeasurement of dower; and to each of them is to be attached an index. He has power to award costs, in cases of contest before him. When jurisdiction over any matter shall have been acquired by a surrogate, by the commencement of proceedings, they are to be continued in the surrogate's court of the same county, and it is to be exclusive of all other surrogates. A surrogate cannot be counsel, solicitor, or attorney, for or against any executor, administrator, guardian, or minor, in any civil action, over whom or whose accounts he could have any jurisdiction by law. The second title relates to courts of special sessions of the peace, in which it is provided, that such courts may be held in any county other than New York, by any three justices of the same county, or by two such justices and one judge of the county courts.

The third title relates to special justices' courts, in the several cities in which there is no provision.

The fourth title treats of courts held by justices of the peace. It is divided into thirteen articles, in which all the statute law on the subject is arranged under distinct heads. By virtue of the new provisions which are introduced justices may entertain suits for penalties given by statute, not exceeding fifty dollars, whether prosecuted in the name of the people or of a public officer; and may issue attachments when the debt or damages claimed shall not exceed one hundred dollars. Actions of covenant may be maintained, on the condition of a bond for the payment of not more than fifty dollars, although the penalty exceed that sum. If a justice, after his election, becomes a tavern-keeper, he cannot have any jurisdiction of civil causes, but may issue execution on judgments previously rendered. Where a summons has been served by leaving a copy, a warrant must be issued on the return day of the summons, (if the defendant does not appear,) or the suit is to be deemed discontinued. In all other cases of application for a warrant, except that last mentioned, the facts and circumstances to justify it must be stated in a written affidavit. Warrants are to contain a clause, requiring the constable to notify the plaintiff of an arrest having been made pursuant to it. If the justice issuing a warrant, be, at the return of it, absent, or unable to hear the cause, or it shall be made to appear to him by the affidavit of the defendant that he is a material witness, the constable is to take the defendant before *the next* justice of the town, who is to proceed with the cause. Constables are required to return in writing the manner of executing a warrant, and whether the plaintiff has been notified. A defendant arrested on a warrant, is to be detained in the custody of the constable, until the justice shall direct his release, but is not to be detained more

than twelve hours in any case, unless the trial of the cause shall have been commenced, or it shall have been delayed at his instance. Applications for attachments are to be in writing; the debt or demand claimed must be proved by the affidavit of the plaintiff or his agent, stating the facts and circumstances to justify the application, and they must also be verified by the affidavits of two disinterested witnesses; and the justice may issue subpoenas to compel witnesses to testify on that subject. The plaintiff is to execute a bond, with surety to be approved by the justice, in the penalty of two hundred dollars, conditioned to pay all damages, if he fail to recover judgment, and to pay to the defendant the surplus of all moneys that shall be collected, above the judgment, interest, and costs. Attachments are to specify the amount of the debts sworn to, and are to command the constable to seize so much property as shall be sufficient to pay the debt, &c. The constable is to make an inventory of the property seized, and to leave a copy of it and the attachment at the dwelling-house or last residence of the defendant, if he had one; and if he had none, with the person in whose custody the goods seized, were. Any person claiming the goods seized, may have them returned to him at any time before execution issued, by executing a bond with sureties, to be approved by the constable or justice, conditioned that he will within three months establish that he was owner of the goods, or will pay the value of the goods seized, with interest. The constable is to return any bond taken by him, to the justice, with a copy of the inventory. If the defendant satisfies the plaintiff in the attachment, he may maintain a suit on the bond of the claimant, as the plaintiff might have done: and if in a suit on such bond by the plaintiff, he recover more than his judgment, interest, and costs, he is liable to the defendant for the surplus. Process is not to issue for an infant, nor is his

cause to be heard, until a next friend be appointed, to be named by the infant, and who is to consent in writing and be responsible for the costs of suit. Guardians are in like manner to be appointed for infant defendants, after the service and return of process against them, and if they do not appear, or refuse to nominate a guardian, the justice is to appoint one; but guardians are not to be responsible for costs, and until one is appointed, the suit cannot proceed. Proceedings cannot be had against a defendant served with a warrant, until he has personally appeared. The constable who served the original or jury process, cannot appear for either party at the trial, but may act as attorney in any other stage or proceeding in the cause. The authority to appear for another, must be proved by the oath of the attorney himself, or other competent testimony, unless admitted by the opposite party. The justice is to wait one hour after the return of a summons or attachment, and after the time specified for their return, unless the parties sooner appear. Parties are to join issue on their first appearance, and before any adjournment, except in case of a warrant hereafter mentioned. When the pleadings are verbal the justice is to enter their substance in his docket. The cases in which set-offs may be made, the nature of the demands, and the extent to which they are to be allowed, are particularly specified; but they are too long and minute for repetition here. The numerous decisions on the subject are condensed and classified, and the law definitively settled. Defendants are for ever barred from recovering any demand which might have been set-off, and if such demand consisted of a negotiable note, no person deriving title to it from or through the defendant, can recover on it; except when the set-off shall have been fifty dollars more than the plaintiff's judgment; or where it consisted of a judgment then rendered; or where a balance of more than fifty dollars was found for the

defendant, he may recover the part not allowed him; or where the defendant was sued by attachment and did not personally appear; or claims for unliquidated damages which could not have been set-off; or claims which were in suit, before that in which the set-off might be made. In these cases, the defendant may recover, notwithstanding a former suit. Upon a plea, or notice under the general issue, that the title of lands will come in question, and the execution and delivery of a bond that the defendant will appear to a suit in the common pleas, the action is to be discontinued, and each party pays his own costs, which may be recovered by the prevailing party in the common pleas. In that court, if the plaintiff recovers at all, he is to have his costs; but the defendant is not to be allowed costs, on a judgment in his favour, (except one of non-suit, or *non-pros.*) unless the presiding judge certifies that the title to lands did come in question. If the plea of title before the justice goes to some of the causes of action only, the plaintiff may sue in the common pleas for such causes, and for the other causes of action the justice may continue his proceedings. If on the trial before the justice, it appear from the plaintiff's own showing, that the title to lands is in question, which title is disputed by the defendant, the cause is to be dismissed, and the plaintiff is to pay costs.

A justice cannot, on his own motion only, adjourn a cause commenced by warrant; in a suit commenced by summons or attachment, he can do so only on the return of the process, and where issue is joined without process, he can do so only at the time of joining issue. Causes commenced by warrant at the suit of a non-resident plaintiff, are not to be adjourned on the application of a defendant; unless he swears that he has a good defence, and is not ready to proceed to the trial, and consents to the examination of any witness, that may be then attending on the part of the plaintiff, and that his testimony be read at the

trial. The first adjournment of any cause commenced by warrant must be to a day, not less than three nor more than twelve days thereafter. [This would seem to be confined, to the case of a warrant issued at the suit of a non-resident; for the next section provides that in all cases (other than that) the cause may be adjourned not exceeding ninety days, on the application of the defendant, upon his making oath, and giving security, if required.] If the defendant arrested on a warrant procured an adjournment, he is to remain in custody, unless he gives security; but is to be discharged when it is procured by the plaintiff, or on the consent of both parties; but such discharge does not discontinue the proceedings. A *further* adjournment may be obtained by a defendant in *all* cases, upon proving that he cannot safely proceed to trial, for want of testimony, which he has used due diligence to procure, and giving security. The security required of the defendant in all cases, is, that he will render himself upon the execution, if one is issued, before its return, or that he and his security will pay the money with interest. If a bond has been given on an adjournment, it is not necessary to give a new one on a subsequent application, unless required by the bail in the prior bond, or by the justice.

A justice may issue an attachment against any person duly subpoenaed as a witness, refusing to attend, on the oath of the party, that the testimony of such witness is material; which attachment is to be executed in the same manner as a warrant, and the costs are to be paid by the witness, unless he excuses his default, in which case they are to be paid by the party.

Twelve persons only are to be summoned, from whom six are to be drawn to form a jury; but the parties may agree on a less number, when the venire is to direct the summoning of double that number. The constable is not to summon any person, whom he has reason to believe biased,

or prejudiced for or against either party: he is to annex a list of the persons summoned to the venire, and return them. A party in the suit, or interested in it, cannot be a witness, without consent, except to prove the loss of an instrument, or the death of a subscribing witness to it, or of his absence beyond reach of a subpoena of the justice. Objections to the competency of a witness are to be tried and determined by the justice, and the witness may be examined on oath, in which case no other testimony is to be received from either party on the subject; but otherwise, evidence is to be given as in other cases. The form of the oath to the constable taking charge of the jury is varied; particularly that before they render their verdict, he will not communicate the state of their deliberations, or the verdict they have agreed on. On receiving the verdict, the justice is to call the plaintiff; if he, or some one for him, do not appear, the verdict cannot be received. When a jury has been out a reasonable time, and the justice is satisfied that they cannot agree, he may discharge them, and unless the parties consent that the justice render judgment on the evidence given, he is to issue a new venire returnable in forty-eight hours. [It should be observed that by section 12th of title 2d, chapter 5, first part, Revised Statutes, a justice cannot try a civil cause in any other town, than that for which he was chosen, except in cases specially provided by law.] No judgment can be rendered on a confession, unless it be in writing, signed by the defendant, and filed with the justice, nor unless the defendant personally appear before the justice: and if it be for a sum exceeding fifty dollars, it must be accompanied by affidavit of both parties, that the defendant is honestly and justly indebted in the sum stated, and that the confession is not made with a view to defraud any creditor: and unless these requisites are complied with, the judgment is to be void, except as to a purchaser of proper-

ty under it, and as to the defendant. Courts of common pleas have the power to inquire into the validity of judgments by confession, which are liens on real estate; and a judge may stay proceedings on such judgment until the order of the court. Judgment of discontinuance is to be entered, without costs to either party, in all cases, (except suits commenced by warrant,) when the defendant shall make affidavit before issue joined, that the justice is a material witness for him. Judgment of non-suit with costs is to be rendered against a plaintiff, if he fail to appear on the return of process, within one hour after it was returnable, or within one hour after the time to which an adjournment shall have been made. Where it is found by verdict or decision of the justice, (in cases where there is no jury,) that the plaintiff has no cause of action, judgment is to be rendered for defendant, with costs. Judgments against joint debtors, where one or more are summoned, are to be evidence as against them only of the extent of the plaintiff's demands, after their liability shall have been otherwise established. A justice is to render judgment *forthwith*, when the plaintiff shall be non-suited, discontinued, or withdraw; in all cases where a verdict shall be rendered, and where the defendant is in custody, at the hearing of the cause: in other cases it is to be rendered, within four days from the time the cause was submitted to him. If a balance is found for any party of more than fifty dollars, he may remit the excesses and take judgment for the residue.

Executions against females are not to contain the clause commanding the constable to take the body, and they are not to be arrested or imprisoned on any justice's execution. When a bond for the payment of monthly instalments has been given, execution is to issue immediately with a direction endorsed to suspend the service, as long as the instalments shall be paid, and in case of failure then to proceed. Execution against a defen-

dant, not being a freeholder, nor an inhabitant having a family, may be issued immediately, but the justice may require proof of the facts. Where a party would be entitled to an execution upon proving the danger of losing his debt without it, such execution may be stayed until the regular time, by the defendant's giving a bond for the payment of the debt, and leaving it with the justice at the time of rendering judgment, or before the actual issuing of execution. Executions are to issue immediately upon judgments for any penalty incurred under the excise laws, or those relating to fisheries; and the cause of issuing them is to be endorsed; if property cannot be found, the defendant is to be committed to jail, to be there detained for sixty days, (unless the judgment be sooner paid,) without being allowed the liberties of the jail. Executions may be issued on a justice's judgment, at any time within two years after it was rendered. If a constable does not return an execution within *five days* after its return day, he is liable to an action of debt, in which the amount of the execution with interest, is to be recovered. An action of assumpsit may be brought by the party entitled against a constable and his sureties, upon the instrument given by him at his election, for money collected and not paid over, with interest, and execution is to issue immediately. Executions cannot be issued by the county clerk, until the expiration of ninety days after the judgment was rendered: which executions may be amended by the common pleas, and controlled in all respects, as if they had been issued out of that court. The same proceedings may be had to compel their return, and the payment of money collected on them, by rule and attachment. The kinds of property exempt from executions are increased; among them are the tools and implements of a mechanic necessary to carry on his trade, not exceeding twenty-five dollars in value.

Judgments rendered before a justice of the peace, may be removed by

certiorari into the common pleas of the county, in all cases where issue was not joined between the parties, and where issue was joined, but the debt or damages recovered, exclusive of costs, do not exceed twenty-five dollars. An affidavit setting forth the testimony and proceedings before the justice and the grounds of alleging error, is to be presented within twenty days after rendering the judgment, to the first judge, or some other county judge who is a supreme court commissioner, who may allow the *certiorari*: a bond is to be executed to pay the costs that may be awarded on affirmation, and to pay the debt, if any were recovered, and the judgment be affirmed. The bond, affidavit, and *certiorari*, are to be served within ten days, on the justice, who is to be paid two dollars for making a return. Such service stays the issuing of an execution, or if one be issued and not collected, it stays its collection, upon a certificate of the justice. Within ten days after such service, the justice is to make a return, answering to all the facts set forth in the affidavit, which he is to file with the bond, affidavit, and *certiorari*, in the county clerk's office. These papers are to be brought into court: no copies are necessary, nor is any assignment of errors, but the court is to proceed to hear an argument on the notice of either party. The court is to give judgment according to the right of the case, without regarding imperfections, &c., and to give costs to the prevailing party, among which five dollars may be allowed for arguing the cause, but not more than \$25 costs are to be taxed in any case. If the judgment be affirmed in part, the costs, or such part as the court shall deem just, may be awarded to either party. And the court may award restitution where a judgment has been collected and reversed, upon an affidavit that it has been paid.

Appeals to courts of common pleas are confined to cases, where a judgment has been recovered for more than twenty-five dollars, exclusive of

costs, upon an issue of a law joined, or upon an issue of fact joined, whether the defendants were present or not. Within ten days after the judgment was rendered, an affidavit is to be presented to a judge of the supreme court, a circuit judge, a supreme court commissioner, or to the first or senior judge of the county courts, setting forth the testimony and proceedings, and ground on which error is alleged, or on which a new trial is claimed. An allowance of an appeal is to be endorsed on the affidavit, if the judge is satisfied that error affecting the merits has been committed by the justice or the jury; or that an adjournment could not be procured on account of the absence of a witness or testimony, to obtain which due diligence had been used; or that since the trial new testimony has been discovered on some material point which was not argued at the trial; and that for any of these reasons a new trial ought to be had. Within thirty days after such allowance, it is to be served on the justice, together with the affidavit, and a bond, the conditions of which are particularly prescribed: the costs of the suit are to be paid and seventy-five cents, in addition, to the justice, for making a return. The justice is to make a return within ten days, the particulars of which are enumerated,—which is to be filed in the county clerk's office, with all the papers in the cause, and with the affidavit allowance and bond. If the return be not made, on filing an affidavit of having complied with the above requisitions, a rule may be entered by the appellant, in vacation or in term, requiring the justice to make the return within ten days, or show cause on the first day of the next term, why an attachment should not be issued against him. And a similar rule may be entered by the appellee. And the court may issue an attachment for disobeying such rules, and may imprison him until he submit, and may require him to pay the costs of the proceedings. An appeal cannot be dismissed by the court unless there

have been previous notice for that purpose, or a good excuse for not giving it to be rendered ; which notice must specify the grounds of the motion. And such motion cannot be heard after the first term, at which it should have been made. An appeal is not to be discussed on account of any informality in the bond, if it be amended with the consent of the obligors, or another sufficient bond be filed ; nor can it be dismissed on the ground that the costs, or the justice's fee, have not been paid. Upon dismissing an appeal, the court may award costs to the appellee, and enforce their payment by rule and attachments. An appeal may be discontinued by the court, if it be not prosecuted within the term prescribed by its rules. Upon a copy of an order of dismissal or discontinuance being served on the justice, he is to proceed in the cause ; but in such case an execution on the judgment before him, must be returned unsatisfied in whole or in part, before a suit can be brought on the appeal bond. Upon an issue of law, the common pleas is to determine according to the law of the case, and may allow amendments to pleadings ; and require the opposite party to answer them, or join issue. The same issue of fact that was joined before the justice, and no other, is to be tried by a jury in the common pleas, unless some demand of the plaintiff, or some defence or set-off of the defendant was overruled by the justice, in which error was committed, when the court may allow proof of such demand, &c., as if issue had been joined before the justice. The cases in which costs are to be allowed to the parties on appeal, are particularly enumerated. If one party recovers any debt or damages, and the other party recover costs, the court shall set-off the one against the other, and tender judgment for the balance. If judgment be for the appellee, he must sue out execution thereon within thirty days after the term, or the sureties in the appeal bond will be discharged, and upon its being returned unsatis-

fied in whole or in part, he may sue the bond.

The additional fees allowed, are, to the judge, on hearing an application for a certiorari or allowance of an appeal, fifty cents, whether granted or not. A justice is not to be allowed for an adjournment on his own motion. Three cents are allowed for filing every paper with a justice, except pleading and process, and he is allowed 25 cents for every judgment. A constable is to have fifty cents for a copy of the attachment and inventory left at the defendant's residence, and there are some unimportant variations in his poundage. If judgment be rendered by a justice for a greater amount of costs than is allowed by law, or for any improper item, and it be collected, it may be recovered of the party receiving it, with interest.

All process issued by a justice, is to be signed by him, and may be under seal, or *without seal*. Every justice is required to keep a book, in which shall be entered the titles of all causes commenced before him ; the particular process issued, and the time when ; the time of the parties appearing before him on the return of process, or when none was issued ; a concise statement of the pleadings of the parties when made orally, and the issue joined ; every adjournment, to what time and place, and on whose motion ; the issuing a venire, at whose request, and when and where returnable ; the time of the trial, the names of the jurors who did not appear and were fined ; the names of those who appeared, and of those who were sworn ; the names of the witnesses sworn, and for which party ; the objections, if any, to their competency, and the decisions thereon ; the verdict of the jury, and when received ; the judgment rendered, and when ; the time of issuing the execution and the name of the officer to whom delivered ; if issued before the regular time, the nature of the proof given to warrant it ; the return of an execution and when made ; the time of making every renewal of an execution : the time

when he furnished a transcript of the judgment to be filed with the county clerk; the time of the service of a certiorari upon him; the time when any appeal from the judgment is made; which are to be entered under the title of each cause to which the several items relate. Every justice is also to keep an alphabetical index of all judgments rendered by him, referring to the page of the docket where they may be found. The justice's docket, or a transcript thereof certified by him, shall be good evidence in a suit before himself, of any judgment or other proceeding. And a transcript certified as required, is evidence in all other cases. The proceedings before a justice may also be proved by his own oath. If he be dead or absent, they may be proved by producing the original minutes in his book, in his own hand writing; and copies of such minutes proved to have been made in his writing, which have been compared by a competent witness, are also evidence. Justices have power to take affidavits when they become necessary in proceedings before them. Provisions are made requiring a justice removed from office, or moving out of his town, to deposite his books and papers with the town clerk, with a certificate in his docket of the amounts due on the judgments entered therein. In case of the death of the justice, or his office becoming vacant, the town clerk may demand his official books and papers from those in whose possession they may be; and to enforce the foregoing provisions, the like proceedings may be had as are noticed in the abstract of Chap. 5 of the 1st part. The entries in such books are to be presumptive evidence. A justice may issue executions on judgments rendered before the expiration of his office, at any time within six months after that period. If a justice neglects or refuses, within a reasonable time after demand to pay over money collected by him, he is to be deemed guilty of a misdemeanor, and on conviction is to forfeit his office. A justice out of

office is to make return to a certiorari or appeal, in the same manner as if he remained in office; and if he be dead, insane, or out of the state, the proceedings before him may be proved by affidavits, and the court shall proceed, as if they had been returned by him. And in such cases the appellant may file the allowance of an appeal, the affidavit, and bond, with the county clerk, who is to approve the sureties, which are to be as valid as if served on the justice. If a justice die, &c., before issuing execution on a judgment rendered by him, an action of debt may be maintained on it. The court may, by *mandamus*, compels a justice, who has removed out of the county to make return to a certiorari or appeal. Where a justice's docket has been lost, &c., other proof of the fact that a judgment was rendered may be given.

Three justices may hear a complaint against a constable, against whom and his sureties a judgment has been recovered for money collected by him, and are to remove him from office after a hearing of the parties, if the complaint be established, or he neglect to appear. A certificate of the removal is to be filed with the town clerk, who is to serve a copy of it on the constable, which is to vacate his office. A justice has power to punish as for a contempt, disorderly or insolent behaviour to him while engaged in judicial proceedings, which shall tend to interrupt such proceedings, or impair the respect due to his authority; any breach of the peace or other disturbance tending to interrupt his official proceedings, or any wilful resistance in his presence, to the execution of any lawful order or process, made or issued by him. Person charged with contempts are to be heard before conviction, and a warrant may be issued for their apprehension. Punishments for contempts in the above cases, may be by fine not exceeding 25 dollars, or imprisonment not exceeding five days, or both; but the defendant is not to remain imprisoned for the non-payment of the fine only,

more than ten days. A record of the conviction is to be made up, stating the circumstances and the judgment, which is to be filed with the county clerk within ten days. The warrant of commitment must set forth the particular circumstances of the offence, or it will be void. A witness refusing to be sworn, or to answer any pertinent question, is to be imprisoned, if the party calling upon him makes oath that his testimony is so far material, that without it he cannot safely proceed in the trial of the cause. The warrant is to specify the cause of commitment, and the question which the witness refused to answer, if any, and the witness is to be closely confined until he submit to answer: and the cause is to be adjourned, if the party calling the witness require it, from time to time, until the witness answer, or be dead or insane.

The *third* chapter of the third part, contains general provisions concerning courts of justice, and the duties, &c., of certain officers. All courts are to be open to the public. No one can sit as a judge in a cause in which he is interested, or in which he would be excluded from being a juror by reason of affinity; nor can he decide a cause that was argued when he was not present, or which had been before determined by him as a judge of any other court. A judge cannot practise in his own court, except where he is a party, &c. No judge can have a partner practising in the court of which he is judge, or be interested in the costs of any suit brought in his court. No judicial officer can take any compensation for giving advice in any matter pending before him, or of which he can take cognizance, or for preparing papers in any such matter, except where fees for the service are provided by law. Courts cannot be opened or transact any business on Sunday, except to receive a verdict: but single magistrates may exercise their criminal jurisdiction in cases provided by law. Proceedings are not to be discontinued by the failure of any stated term of a court, but

are to be continued at the next term: and process may be tested on the first day of the term, that should have been held. An omission to adjourn the court from day to day, is not to vitiate any proceedings. Courts may order new seals, whenever they are injured or destroyed. The cases in which courts of record may punish, as for criminal contempts are enumerated. 1st. Disorderly behaviour in its presence, tending to interrupt its proceedings, or impair the respect due to its authority. 2d. Any disturbance tending to interrupt its proceedings. 3d. Wilful disobedience of a lawful order or process. 5th. The unlawful refusal of a witness to be sworn or to answer a legal and proper question. 6th. The publication of a false and grossly inaccurate report of its proceedings, but not a full, true, and fair account of such proceedings. Punishments for contempt may be, by fine not to exceed \$250, or imprisonment not to exceed 30 days, or both: and imprisonment for non-payment of a fine, alone, is not to exceed 30 days. By a provision of Chap. 1 of the 4th part, all such contempts are also declared misdemeanours, punishable as such. The warrant of commitment for a contempt, is to set forth the particular circumstances of the offence.

Where power is given by a statute to the justices of the supreme court and the circuit judges, of either of them, without naming supreme court commissioners, the latter shall not be authorized to act. Such commissioners are prohibited from granting any order to stay proceedings on a *capias*, or on an attachment; or upon an execution against the body, unless a bond be given in the latter case, that the defendant shall be forthcoming. After an application for any order has been made to a judge or commissioner, which has been refused or granted in part, or conditionally, a subsequent application in the same stage of the proceedings cannot be made to any other commissioner; and if made, and an order be granted, it is to be revoked, and the party making

it, is liable to be punished for a contempt. A commissioner cannot grant an order on the application of an attorney, counsellor, or party residing more than forty miles from him, if within that distance there be any commissioner. Nor can he grant an order in any case conducted by his partner, if there be a law-partnership. The supreme court has authority, by general rules, further to limit the powers of commissioners.

In addition to the powers of commissioners of deeds, they may take the acknowledgment of satisfaction of judgments in the supreme court and in the common pleas. Masters and examiners in chancery, may be suspended from office by the chancellor for misconduct, who is to report the fact to the governor. The powers of notaries public are defined, and the cases prescribed in which their protests under their official seals and memorandums made by them, are to be received in evidence. For official misconduct they are liable to criminal prosecution, as other officers.

Oaths and affidavits in all cases and proceedings, where required or authorized by law, (except on trials, oaths of office, and where a statute directs them to be taken before a particular officer,) may be taken before any judge of any court of record, supreme court commissioner, commissioner of deeds, or clerk of any court of record: and may be read in any court of law or equity, or before any officer.

Provisions are made for continuing special proceedings commenced before any officer, in case of his death, sickness, resignation, removal, absence, or other disability. Clerks of counties, and of all courts, are required to keep their offices open every day in the year, from 9 o'clock, A. M. to 12 M., and from 2 to 5 P. M., except Sundays and the 4th of July. Sheriffs are to keep an office in the village where the county courts are held, and to be kept open the same hours as last stated; and they are to file a notice of the place where the

office is, with the county clerk. All papers may be served at such office; or if they have not filed a notice, they may be left with the county clerk. If a sheriff's office be vacant by his death, &c., assignments of bonds made to him, may be executed by his undersheriff, or the person acting for him. Clerks of counties are to preserve indexes to the books in which deeds or mortgages are recorded, or collectors' bonds are entered. The register and assistant register may appoint deputies, who may officiate during any vacancy in the office, and who may attend the vice chancellor's courts. Officers of courts of record, when sued alone, are to be exempt from arrest during the actual sitting of the court of which they are officers; but attorneys, counsellors, and solicitors, are not to be exempt, unless employed in some cause pending, and then to be heard in such court. Spirituous liquors are not to be sold in any court house, while a court is sitting there; unless in such part of the building not appropriated to the court or juries, as the supervisors shall have allowed for that purpose.

Chapter *four*, of the third part, treats of actions and the times of commencing them. All actions at law, and suits in equity, are embraced in this chapter. The limitation upon actions relating to real estate, is the same, twenty years, in all cases, whether the suit be by the people, or persons claiming from them, or actions to try the right, or those which are merely possessory. The difficult and complicated doctrine of adverse possession, is settled; what is to constitute it, in the two cases where it is accompanied by a claim of written title and where it is unaccompanied by such claim; its duration and its effect. The right of any one to the possession of lands is not to be affected by a descent being cast, by the person in possession dying. All actions of debt, excepting those on the judgment of some court of record, are to be brought within six years; and within the same time, actions upon judg-

ments of courts, not being of record, (such as justices, special judges' courts, &c.) also all actions of trespass on land, or for taking personal property, or for any injury to the persons or rights of any, except for assault and battery and false imprisonment, which are to be brought within four years. All actions for words spoken, including those where special damage has been sustained, are to be brought within two years. Actions against sheriffs and coroners for any liability incurred by acts in their official capacity or for any other omission of duty, are to be brought within two years, except for escapes, which must be commenced within one year. In actions upon mutual, open, and current accounts, the time of the last item proved, is to be deemed the time when the cause of action accrued. None of these provisions apply to suits on evidences of debt issued by moneyed corporations. [So that as to them there is no limitation.] If a person dies while he has a right to bring an action, that survives to his representatives, they may prosecute after the limitation has expired, and within a year after his death. If a person be out of the state when the cause of action accrues against him, the time of such absence is not to be reckoned; nor is it to be estimated when he departs from and resides out of the state, after the cause of action accrued. Suits in the name of the people, or to their benefit, are to be brought within the same time as those by individuals. Actions commenced within the prescribed time, which abate by the death of either party, may be renewed, by or against his representatives, within one year after such death. The time during which the commencement of a suit shall be stayed by an injunction, is not to be estimated. Actions must be commenced by the actual service of process, or by the issuing of a *capias* to the county where the defendant resided usually, with intent to be actually served, and by its being duly returned. And the defendant may

prove that means were used by the plaintiff or attorney to prevent the service of the writ, or to keep the defendant ignorant of its having been issued, which shall bar a recovery. No person can avail himself of a disability unless it existed at the time his right of action or of entry accrued; and if there be two or more disabilities at the same time, the limitation is not to attach until they are all removed. The provisions of this title are not to apply, when the right of action has accrued before this chapter takes effect.

The presumption of payment as to sealed instruments, is to apply to all judgments of courts of record, rendered before this chapter takes effect. Judgments of courts of record hereafter rendered, are to be presumed paid after twenty years; but it may be rebutted by proof of payment of part, or written acknowledgment of indebtedness. And the same presumption is to apply to sealed instruments, but may be rebutted in the same manner.

When there is a concurrent remedy in equity, the limitation of a cause of action at law, is to apply to a suit in equity. Bills for relief on the ground of fraud, are to be filed within six years after the discovery of the fraud. Bills for relief in all other cases, including trusts, are to be filed within ten years after the cause of action accrues, and not after. These limitations are subject to the same exceptions arising from disabilities, as suits at law.

Chapter *five* of the third part, treats of suits relating to real estate. Writs of right, of dower, of entry and of assize, fines and recoveries, are abolished. Ejectments may be brought in cases where a writ of right or of dower, would lie, as well as to recover the possession of land. The use of fictitious names is abolished, together with the statement of demises, and consent rules. Suits are to be in the names of the real parties, against the actual occupant, if there be one; or against some one exercising acts of ownership or claiming some inter-

est in the premises. The manner of declaring, and of serving the declaration with notice, and the manner and time of pleading are particularly described. Provision is made to compel the attorney, to produce his authority for commencing the action. Lease, entry and ouster need not be proved or confessed, except in suits between tenants in common, &c. Actual dispossession, or some act amounting to a total denial of the right of the co-tenant must be established. The verdict is to specify precisely for whom it is found, against whom, and for what property. Judgments upon verdicts become conclusive in five years. But one new trial may be granted of course, on payment of costs, and another when the court shall think the rights of the parties require it. And judgments by default, are conclusive after three years; but within five years the court may grant a new trial. Instead of an action of trespass for *mesne* profits, an action of assumpsit for use and occupation is to be brought, by way of suggestion on the record of judgment in ejectment: in which the plaintiff is to recover only for the time actually occupied, and the defendant may set off permanent improvements made by him, and he is not to be charged for the use of such improvements. If the action be for dower, commissioners to set off the dower are to be appointed, who are to proceed as those appointed by surrogates. Actions of ejectment cannot hereafter be maintained by a *mortgage*, his assignees or representatives.

Title second provides the proceedings to compel the determination of claims to real property in certain cases. The ancient mode of barring claims to real estate, by suffering a fine and recovery, being abolished, this title provides a substitute. Any person who has been in possession of real estate three years, may serve a notice upon another of full age, &c., who is supposed to have any claim to such estate, requiring him to appear in the

supreme court, and assert his claims, or be for ever barred. If the person notified does not choose to appear, judgment by default goes against him, with the same effect as if he had disclaimed. If he appears, and disclaims all title to the property, he is to be allowed his costs, and judgment passes against him that he be for ever barred, as well as all claiming under him by title subsequent to the notice. Or he may deny, that the person giving the notice has been in possession three years. If he means to claim title, he is then to declare in ejectment, and the same proceedings are to be had as in other cases. If a non-resident be supposed to have any claim to such estate, notice may be served on his agent here under the directions of the supreme court, and the same proceedings are to be had as if he were personally served with notice.

The third title relates to the partition of lands. The petitioners and other parties, must hold and be in possession of the premises. In case of a default of defendants, the petitioners are to the exhibit proof of their title, and an abstract of the conveyances by which it is held. The proof may be taken by the court or by the clerk on a reference, and it is to be filed together with the abstracts by the clerk. When the premises are ordered to be sold, by reason of being incapable of partition, they may be sold on credit. But before a sale is ordered, the clerk is to search for incumbrances, and if any are found, sufficient is to be retained out of the proportion of moneys belonging to the party against whom the incumbrances exist, to discharge them. Provision is made for giving notice to the incumbrancers, for determining their rights, and for distribution among them. Persons having an estate in the premises, of dower, or for life, may be made parties, and their estate may be sold under the order of the court, and they are to be paid the full value of such estate, or it is to be invested for their benefit.

The fourth title, which relates to the writ of nuisance, retains that writ, prescribes its form, the proceeding upon it, and the judgment that the nuisance be removed, and that the plaintiff recover his damages.

The fifth title relates to waste, in which the form of a summons is given, and the proceedings on it. Judgments of partition may be given on a recovery, in which the plaintiff may be compensated for his damage.

The purchaser of real property, who shall obtain a conveyance under a sheriff's sale, may maintain waste against any one, who may have been in possession of the premises, for any waste after the sale. [And by a provision of chapter 6, of same 3d part, such purchaser is deemed to have been vested with the legal estate from the time of the sale, for the purpose of maintaining an action for any injury done to the premises.] The acts of the party in possession, after sale on execution, and before a deed is given, which are not to constitute waste, are particularly prescribed; he may use the premises as before the sale, doing no permanent injury to the freehold; may repair buildings, &c., from any wood or timber on the land; he may take necessary fire wood; and he may till the premises in the ordinary course of husbandry; but is not to be entitled to the crops growing at the time a deed is legally given. He may be restrained from committing waste by the order of certain officers; and if the order be violated, he may be notified to show cause why he should not be committed; and upon proof of such violation he may be committed to close confinement for not more than one year. He may be discharged, on giving security that he will not commit waste.

The sixth title relates to trespass on land, in which there is no new provision.

The seventh title contains general provisions concerning actions relating to real property. Such actions are not to be suspended by reason of the infancy of any defendant: but guar-

dians are to be appointed; and the same proceedings for that purpose are to be had as in personal actions. When a survey of any premises shall be necessary to enable a party to declare, plead, or prepare for trial, the court may order it. Writs of view are abolished; but a bill of particulars may be required. No imparlance, voucher, aid, prayer, or receipt, is to be allowed; but the landlord, and any person having any privity of estate or interest with the tenant or landlord, may be admitted to defend, with or without the tenant. Writs of inquiry, to assess the value of *mesne profits*, or of the damages in dower or waste, may be executed at a circuit court. The practice in real actions, is to be the same as in personal actions, unless otherwise provided; and rules may be entered in the like manner. Writs of right, of dower, of assize, fines, and recoveries, and all other real actions not enumerated in this chapter, are abolished; and all process heretofore used in real actions, which are not specially retained, are abolished.

Title eight relates to the mode of discovering the death of persons on whose lives estates depend; in which the new provisions are not sufficiently important for enumeration here.

The sixth chapter of the third part relates to proceedings in personal actions. They may be commenced as at present, by writ, or by serving a declaration on a defendant personally, with notice of a rule to plead. If the name of a defendant be unknown, a writ may be issued against him by a fictitious name. If a defendant refuse to endorse his appearance on a writ not requiring bail, the sheriff may return it personally served, and the clerk is to enter his appearance. The cases in which persons may be held to bail, are specified. The condition of a bail bond is to be, that the defendant will appear in the action by putting in special bail within twenty days after the return day specified in the writ, and perfecting such bail, if required. An attachment may is-

sue against a sheriff in vacation, for not putting in special bail according to rule for that purpose. The mode of proceeding against the sheriff is pointed out, to ascertain the extent of his liability; and if he confess a judgment to the plaintiff, time is to be given him to prosecute his bail bond. The sheriff may prosecute the bail bond to indemnify himself, for all damages he may have sustained. The sheriff is to return the fact, when the defendant is committed to prison for want of bail. The practice of filing warrants of attorney, except where a judgment is confessed by virtue of one, is abolished; but the names of the attorneys for each party are to be stated in the pleadings.

The mode of declaring for money received contrary to statute, as for property forfeited, is prescribed. If there be a special demurrer for an imperfection, which the court would amend on general demurrer, and judgment be given against the party demurring, it is to be absolute, and he is not to be permitted to plead any other matter of law or fact. Notices of special matter in defence may be given under a plea of *nil debit*, or under any plea denying the execution of the instrument on which an action of covenant is brought. All actions against *all* public officers, are to be laid in the county where the act was done, and in all such actions the general issue may be pleaded and the special matter given in evidence, without notice. The cases in which set-offs may be allowed, the nature of the demands, and the extent to which they may be set-off, are particularly prescribed. They are too numerous and technical to be repeated here; the following, however, are sufficiently important to be noticed. If an action be brought on negotiable paper, by a person to whom it was assigned after it was due, a set-off of any demand existing against any person, who shall have assigned it after it was due, which could have been made against such person, may be made in the action, to the extent of

the plaintiff's debt. And in suits upon contracts not negotiable, demands against the plaintiff or any assignee of the contract, at the time of its assignment, acquired before notice of the assignment, may be set-off to the amount of the plaintiff's debt. If the suit be brought in the name of a trustee or person having no real interest, a set-off may be allowed of any demand against those beneficially interested, to the extent of the plaintiff's debt. To entitle to a set-off against executors, &c., the demand must have belonged to the defendant at the time of the death of the testator. A general replication of fraud may be made to any plea of a discharge under an insolvent act, if it be accompanied with a notice of the particular acts of fraud that will be relied on. The court may, on special application, allow a plaintiff to reply several matters to a plea: or a defendant to rejoin several matters to a replication. If a party has appeared in an action in person or by attorney, he is entitled to notice of assessment of damages on a default; otherwise not; and the notice is to be for the same time as for a trial. Damages cannot be assessed in an action upon the bond taken on the arrest of a defendant, until declaration in the original action is filed.

A plaintiff cannot be non-suited after a verdict found, but judgment must be rendered on the verdict. Judgments are declared a lien, as at present, with the addition of the words "real estate and chattels real," which the defendant may have. The duration of such lien is the same as by the former law; but the time during which proceedings on it shall be prevented by an injunction or writ of error, is to be excepted, if within ten years, the party claiming the lien shall file a notice to that effect with the clerk; who is to enter it in his docket, and if in the supreme court, transmit it to the other clerks. Judgments docketed against a party after his death, are not to bind his real estate, but are to be considered debts to be paid in

the order of administration. No proceedings can be had on any judgment, until the record is signed and filed. Transcripts of judgments docketed by a clerk of the supreme court, are to be sent to the other clerks, on the first and fifteenth days of every month. A clerk neglecting to docket a judgment, or transmit a transcript within three days after the time required, forfeits to the party aggrieved \$250 besides all damages. Recognizances are not to be a lien on real estate or other property; but are mere evidences of debt. Dockets of judgments are to be discharged by the clerks, on receiving a satisfaction acknowledged by the party in whose favour it is, or his executors, &c., before a judge or commissioner of deeds, who shall certify that the party making the acknowledgment was known to him, or was made known by competent proof. The attorney on the record may acknowledge satisfaction within two years after filing the judgment record; but it is not, to be conclusive in favour of any person, who shall have had actual notice of the revocation of the power of such attorney. The plaintiff or attorney receiving the amount of a judgment, is bound to acknowledge satisfaction of it; on the fee being paid. The clerk is to enter on the docket, the return by the sheriff upon an execution, of the amount collected by him, and the judgment is to be deemed satisfied to the amount so returned, unless the return be vacated by the court. Upon a judgment in the supreme court being discharged, the clerk is to transmit to the other clerks a minute thereof, to be entered by them in their respective dockets.

In connexion with this subject, it is proper to state, that in title 17 of chapter 8 of the 3d part, are provisions requiring the clerk of the supreme court in New York, at the public expense, to procure by the 1st of July, 1830, from the clerk of the southern district of New York, a certified copy of the dockets of all judg-

ments rendered in the United States' courts in that district, since the 1st of January, 1830. The clerk at Utica is in like manner to obtain a copy of the dockets of judgments rendered in the United States' courts for the northern district. These dockets are to be entered with their dockets of judgments in the supreme court and to be transmitted to the other clerks, to be entered by them. The clerks are entitled to the same fees for searching these dockets, as those in the supreme court. [As judgments in the United States' courts are liens equally with those in our state courts, the object of these provisions, is to place within the reach of our citizens the means of ascertaining their existence.]

The fifth title treats of executions, and the duties of officers thereon. Executions may issue within two years after filing the record of judgment. They are not to issue against executors, heirs, devisees, &c., except in the cases specially provided. And when a bail bond has been assigned to the plaintiff, as well as when special bail has been filed, an execution against property must be issued before one can be sued out against the body, unless the defendant shall be imprisoned, or shall have been surrendered by his bail. Executions of the same kind, may be issued at the same time to sheriffs of different counties. When a judgment is obtained in a court of record against a sheriff, the execution may issue to any person not a party in interest, who shall be designated by the court in term, or a judge thereof in vacation, and such person is to be deemed a coroner of the county, and subject to the same liabilities.

A levy and sale made under an execution against property, gives it a preference to the one previously issued, unless a levy shall have been made under it; in all other cases the execution first delivered is to have preference, notwithstanding a levy under another; and the same rule is to apply to attachments against pro-

perty. But an execution or an attachment, issued by a justice or court, not of record, if actually levied, has preference over any other execution out of any court, which shall not have been previously levied, although the latter may have been first issued. This is contrary to the former law, and is important. The title of a purchaser of goods or chattels, acquired before the actual levy of an execution without notice of its having been issued, is not to be divested, although such execution was delivered before such purchase. This is also contrary to the former law. A levy may be made on current gold and silver coin, which may be returned as so much money collected, and bank bills, &c., may be levied upon and sold. The interest of the pawner in goods and chattels pledged, may be levied on and sold, and the purchaser acquires the interest of the owner. There are some additions to the property exempt from sale by execution, among which are all necessary pork, beef, fish, flour, and vegetables, actually provided for family use, and necessary fuel for the use of a family sixty days, and the tools and implements of a mechanic necessary to his trade, not exceeding twenty-five dollars in value. Personal property is not to be exposed for sale, unless it be in view of those attending. If execution be issued on a judgment recovered for a debt secured by mortgage of real estate, it will not authorize a sale or the equity of redemption of the mortgagor in such real estate; and in such case, a description of the premises mortgaged, and a reference to the record of the mortgage, is to be endorsed on the execution, with directions to the sheriff not to sell such premises. In addition to the former provisions respecting the posting of notices of the sale of real estate, they are required to be fastened up in three public places of the town in which the premises are situated. Separate lots, tracts, or parcels, are to be separately exposed for sale; and any portion of a lot, &c., is to be exposed for sale se-

parately, if required by the owner, or any one entitled to redeem such portion. No more land is to be exposed for sale, than shall appear necessary to satisfy the execution. The officer to whom an execution is directed, and the deputy holding the execution, and conducting the sale, cannot purchase any property at such sale. Certificates of sale are to be delivered to each purchaser of real property, and the price bid for each distinct lot or parcel, is to be specified; and upon being proved or acknowledged, like deeds, they may be read in evidence. The provisions respecting the redemption of real estate sold under execution, by the defendant, his devisee, heir, or grantee, who shall have acquired an absolute title by any means, to any lot, tract, or parcel, which shall have been separately sold, are very full and minute. Among them, the most important generally, are the following: a person having title to a portion of a lot, &c., may redeem the whole lot, and may enforce contribution from the owners of the other portions. The owner of an undivided share may redeem it. Creditors having liens on a separate lot, which was separately sold, may acquire the title of the purchaser, by paying the bid for such lot, with interest; if the lien be on a portion of such lot, the creditor may purchase the whole lot; and if it be a lien on an undivided share, he may purchase such share. The original purchaser at the sheriff's sale may avail himself of a decree or judgment, in the same manner as other creditors, to acquire a title. And the plaintiff in the execution, may, in like manner, avail himself of any judgment or decree that he has: but he cannot use the decree or judgment on which the execution issued, for such purpose. To entitle a creditor to acquire the interest purchased under an execution, he must leave with the officer who made the sale, or with the purchaser, or creditor who made the sale, or with the purchaser, or creditor whose title he seeks to obtain: 1st, a copy of the judgment or

decree duly certified, under which he claims; 2d, a copy of all assignments of the judgment or decree, proved by his own affidavit, or that of the witness to the assignment; 3d, an affidavit by the creditor, his agent, or attorney, of the sum due him on the judgment or decree. Although the title of a defendant to real estate sold, is not divested until after fifteen months from the time of sale; yet if it be not redeemed, and a deed be executed, the grantee in such deed is to be deemed vested with the legal estate, from the time of the sale, so as to maintain an action for any injury to the land sold. In case of the death or removal from office, of a sheriff, after a sale, and before executing a deed, it is to be executed by his under-sheriff, and if there be none, the court from which the execution issued, may appoint a proper person to complete an execution where the sheriff dies, or is removed before it is satisfied, and there is no under-sheriff. Money required to be paid on the redemption of real estate, or to acquire the title of the purchaser, may be paid to the clerk of the county, or to the under-sheriff, when the sheriff is dead or removed from office.

If a purchaser of estate under execution be evicted, or if he fail in an action to recover it, by reason of any irregularity in the sale, or of the judgments being vacated or reversed, he may recover of the party for whose benefit the sale was made, the amount paid with interest. And such party may have further execution upon his judgment, which is to be deemed valid for that purpose, but not as against intermediate purchasers or incumbrancers. Where lands in the hands of several persons shall be liable to a judgment, and more than a due proportion is levied on the lands of any one, he may compel a contribution by the others. The order of such contribution, and the mode of enforcing it by a bill in equity, are fully prescribed.

The sixth title of chapter *sixth*,

contains provisions, concerning certain proceedings in the progress of an action at law. With respect to joint debtors, judgment may be rendered against all, upon process being served on either, which is to be conclusive against the defendant served, or who appeared in the suit; but is to be evidence against the other defendant, only of the extent of the plaintiff's demands, after the liability of such defendant shall have been otherwise established. An endorsement is to be made on the execution in such case, specifying the names of such defendants as were not served with process; and neither the persons of such defendants, nor their sole property, is to be affected; but any property owned in partnership with the defendants taken, or with any of them, may be levied on. The fourteenth section of the act for the amendment of the law which gives a peculiar remedy in cases of joint and several obligations, is abolished, and they stand on the same footing as other joint and several contracts, at the common law. There are some new provisions respecting proceedings on bonds for the performance of covenants. In every action on a bond for the breach of a condition, other than the payment of money, and in every action for a penal sum for the non-performance of a written agreement; the plaintiff is required to assign in his declaration the specific breaches for which the action is brought. In case of recovery, judgment is to be entered for the final sum forfeited, with costs; and that the plaintiff have execution for the amount of the damages assessed by the jury, whose verdict is required to be entered on the record. Upon satisfaction of the amount of such damages, the defendant and his property are to be exonerated from any further liability therefor. If the jury find that any assignment of breaches is not true, their verdict is a bar to any other demand, for damages by occasion of the same breaches.

In regard to special bail, the mode of proceeding to make a surrender of their principal, in their discharge, is prescribed. It is essentially like that formerly practised. When a bail bond is taken on the arrest of a defendant, he may surrender himself, or may be surrendered by his bail, in their exoneration, in the same mode as required in case of special bail; except that copies of the bail bond, proved by the affidavit of the sheriff, or of a subscribing witness, are to be used instead of copies of the bail piece. If bail are sued, they may plead and show in their defence, that an execution against the property of their principal has not been issued, or that none has issued against his body, or not in due time, or that any fraudulent or collusive means were used to prevent its service. The courts are to relieve bail when their principal dies, after the return of an execution against his body, and before eight days have expired, after the return of process served on him.—Writs of *scire facias* against bail, must be served on them personally.

There are some new provisions concerning the reference of causes. The judge holding a circuit court, may by rule, order any cause noticed for trial at such circuit, to be referred in the same manner, and in the same cases in which the supreme court could make such order. Any referee may administer the necessary oath to witnesses produced for examination. All the referees must meet together and hear proofs, &c., of the parties; but any two may make a report. The referees may be compelled by rule of court, to proceed to a hearing, and report the balance they find, and their decisions on any point before them, together with the testimony, and their reasons for allowing, or disallowing, any claims of either party. Actions of account are to be referred to referees, who are to have all the powers of auditors.

The *seventh* chapter of the third part, contains "miscellaneous provisions of a general nature, applicable to proceedings in civil cases." In

respect to the abatement of suits by death, marriage, or otherwise, it is provided that a verdict rendered against a party who shall be then dead, shall be absolutely void, and no judgment can be entered on it. Proceedings in partition do not abate by the death of any of the parties. In case of the marriage of a female plaintiff, in any stage of the cause, a suggestion of the fact is to be made on the record, on the order of judge, on his own application, or that of the plaintiff, but in the latter case, he has the same right to contest the fact of marriage, as if the suit had been originally brought against him. Suits brought by or in the name of a public officer, or of a trustee appointed by virtue of any statute, are not to abate by the death or removal of the plaintiff, but are to be continued by his successor, who shall be substituted for that purpose by the court.

Causes in courts of common pleas, are to be removed by certiorari, and the writ of habeas corpus for that purpose is abolished. The certiorari is to be allowed by a judge of the supreme court, or some officer authorized to perform the duties of such judge in vacation, upon the application of all the defendants who shall have appeared in the action, and on affidavit specifying the nature and amount of the plaintiff's demand. The writ will not be effectual, unless before filing it the defendants shall have appeared in the court below, by filing and perfecting special bail, if it be required. If allowed in an action in which an issue of fact has been joined, it must be filed with the clerk of the court, at least eight days before the term at which the cause might be tried: and if not so filed it is not to have any effect unless the plaintiff's costs of preparing for trial, shall be paid, if the cause was noticed for trial. Notice of filing the writ is to be given to the plaintiff. The clerk is to return the writ with a copy of all the pleadings and proceedings, and the cause is to proceed in the supreme court, as if it had commenced there; the bail are

to be liable in the same manner, and evidence taken in the court below, is to be used in the supreme court, with the same effect as in the court where it was taken.

Proceedings before justices of the peace, or any court of general sessions, in relation to apprentices, or any other matter which may be brought before such court on appeal from a justice or justices, cannot be removed by certiorari, or otherwise, into the supreme court, until after a final determination by the inferior tribunal. And no certiorari or other writ or proceeding, can remove into the supreme court, any cause, or matter, which may be brought before a court of common pleas, or before the county judges, by appeal from a justice, or justices, or from commissioners of highways, or from any other officer, until after a final determination thereon by such court or such judges.

The third title is entitled "of evidence." Where a suit has been commenced by the service of process, or the defendant shall have appeared, either party may have the testimony of any witness taken conditionally, by applying to a judge of the court upon an affidavit setting forth the circumstances. Notice is to be given to the adverse party, who may attend the examination of the witnesses. The deposition is to contain every answer which either party may require to be inserted, and is to be filed with the clerk of the court in ten days. It may be given in evidence, on the proof of the death, insanity, sickness, or settled infirmity of the witnesses, or of his continued absence out of the state. Its reading in evidence may be prevented by proof that sufficient notice was not given to attend the examination, or that the examination was not fair, or conducted as required by law. The deposition, when read, is to have the same and no other effect, than if the witness was personally examined, and all exceptions to its competency, or relevancy, are reserved.

Commissions to take the testimony of witnesses out of the state, may be

issued on the order of a justice of the supreme court, or of a circuit judge, upon notice of the application, in the same cases and upon the like terms that the supreme court would award them. The manner of executing commissions, is particularly prescribed, and it is directed that a copy of the section (§ 16 of title 3) shall be annexed to every commission. The return is to be filed in the office of a clerk of the court, or if made in the supreme court, it is to be filed with the clerk of the county where the venue is laid. The original, or an exemplification, if the original be not filed in the county, may be read in evidence, subject to the same objections that might be made to the testimony of the witness if he were examined orally. Commissioners may also issue when interlocutory judgment has been obtained in a cause.

Where an affidavit taken abroad may by law be received in this state, it must be authenticated by the certificate of a judge of some court having a seal, and his signature, official character, and the existence of the court, must be certified by its clerk under its seal. Records and proceedings of courts in foreign countries are to be authenticated by the attestation of the clerk of the court under its seal, with a certificate of the presiding judge, to the official character of the clerk and the genuineness of his signature, and by a certificate of the officer of the government, having the custody of its great or principal seal, purporting that the court is duly constituted, stating the nature of its jurisdiction generally, and verifying the signatures of the clerk and presiding judge. And copies of records and proceedings of foreign courts may be received in evidence, on proof of their having been compared with the originals, that the original was in the custody of an officer legally having charge of it, and that the copy is attested by a seal, proved to be the seal of the court. These provisions are not to preclude any other mode of proof allowed by the common law, nor are

they to be construed as declaring the effect of any proceeding authenticated as therein prescribed.

Provision is made for compelling witnesses in this state, whose testimony is required in other states, to appear and be examined for that purpose. The former law, providing means to perpetuate the testimony of witnesses, in actions relating to real estate, is extended to all cases where suits of any description are pending, or are expected to be commenced; in the latter case, the adverse party must reside within this state, and be of full age. There is no substantial variation from the old law in the mode of proceeding.

To render the service of a subpoena effectual, the original must be shown to the witness, and a copy, or a ticket containing its substance, must be delivered to him; and his fees for travelling to, returning from, and attending one day at, the place designated, must be paid or tendered. A summons issued by a judge, is to be served in the same manner, and upon neglect to obey it, the judge is to issue a warrant to apprehend the witness. If a witness shall refuse to answer legal and pertinent questions, or to subscribe his deposition, he is to be committed to jail until he answer, by a warrant in which the cause of commitment is to be specified, and the question which was refused to be answered. Persons duly subpoenaed are exonerated from arrest in a civil cause, while going to, attending at, and returning from, the place where they are required to attend. If arrested, they are to be discharged by the court from which the subpoena issued; or if it has adjourned, by any judge of the court: supreme court commissioners and first judges of counties, have authority also to discharge them from arrest. An arrest of a witness is declared a contempt, and those making it, are liable to three times the amount of the damages found by the jury, and also to the party who subpoenaed the witness. But sheriffs and other officers are not to be liable for making such

arrest, unless the witness shall, upon being required, make oath that he has been subpoenaed, stating the court or officer before whom, the place at which, and the cause in which, he was subpoenaed, and that he was not subpoenaed by his own procurement, with the intent of avoiding the service of process; which affidavit may be taken by the sheriff or other officer, and when taken exonerates him from all liability for omitting to arrest the witness.

Affidavits of the publication in newspapers of notices required to be so published, may be made and filed with the proper officer, within six months after the last day of publication, and the originals, or certified copies, are to be presumptive evidence in every court. The mode of authenticating copies of papers by the clerk or officer in whose custody they are, is prescribed. And a county clerk is to attest papers certified by him, under the seal of the common pleas of his county.

Clerks of counties and the register in the city of New York, are to receive in their offices any papers offered to them for safe keeping, which are to be endorsed with the names of the parties thereto, and so as to indicate their general nature: they are to be filed and kept, and are not to be delivered to any person without the written order of the person depositing them, or his personal representatives, or on the order of some court of record. Any person may deposit a will with the county clerk, or with the surrogate, being enclosed in a sealed wrapper, with the name of the testator endorsed, his place of residence, and the time of its being delivered; and it is not to be opened or examined except as specially provided. It may be delivered to the testator, or on his written order proved by the oath of a subscribing witness, or after his death, to the persons named in the wrapper, if there be any so named, and if none, then to the surrogate of the county. After the death of the testator, the surrogate is to open it publicly,

make known its contents, and file it in his office.

There are many new provisions respecting the examination of witnesses and the rules of evidence. A competent witness is not to be excused from answering, on the ground that his answer may tend to establish a debt against him, or that he is otherwise subject to a civil suit. But this is not to be construed to require a witness to accuse himself of any crime or misdemeanor, or to expose him to any penalty or forfeiture. Ministers of the gospel are not to be allowed, to disclose any confession made to them in the course of ecclesiastical discipline. Persons legally authorized to practise physic or surgery, are not allowed to disclose information obtained while attending a patient, in a professional character, which information was necessary to enable them to prescribe or act professionally. Where a party has been admitted to prove the loss of any instrument of his own oath, the adverse party may also be examined on oath to disprove the loss and account of the instrument. A party may recover upon a negotiable note or bill, that has been lost, upon giving security to indemnify the adverse party against all claims on account of such bill or note. A seal to an instrument is to be only presumptive evidence of a consideration, which may be rebutted, if notice be given or it be pleaded. Variances between process, pleadings, or instruments, at the recital of them in any pleading. &c., and mistakes in stating time, or describing property, which could be amended after a verdict, are to be disregarded on the trial, unless they are calculated to surprise or mislead the other party. The confessions of a member of a corporation aggregate, are not to be received as evidence unless they were made concerning some transaction in which he was the agent of the corporation. And a member of a corporation aggregate, not named on the record as a party, shall be competent to testify to any matter against the interest of the corporation.

In respect to the administering of oaths, it is provided that any person desiring it may swear in the manner prescribed, without kissing the gospels. "Every person believing in the existence of a Supreme Being, who will punish false swearing, shall be admitted to be sworn, if otherwise competent;" and the belief of a witness must be proved by other testimony than his own. But the capacity of infants and others, and the extent of their religious knowledge, may be ascertained by their examination.

The fourth title relates to the trial of issues of fact. Actions for the recovery of real estate, or for injuries done to it, and for injuries done to the person, or to personal property, are to be tried in the county where the action arose. Actions for slander and libels, and all other actions for wrongs and upon contract, are to be tried where the plaintiff lays the venue, unless the court change it. All issues of fact are to be tried by a jury, or by referees. A circuit roll is to be made up in causes to be tried at circuits, in which the formal entries heretofore usual, are not required; nor is any seal necessary to the roll. Notices of trial are to be given, in all cases, fourteen days before the first day of the court. Venires are abolished, except when a foreign jury is ordered. The supervisor, town clerk, and assessors of the several towns, are to assemble on the first Monday of July, 1830, and on the same day in every third year thereafter, and form a list of persons to serve as jurors, whose qualifications are particularly pointed out; and in addition to those formerly prescribed, persons assessed for personal property belonging to them in their own right, to the amount of two hundred and fifty dollars, are deemed qualified, and it is required that all persons selected should be free from all legal exceptions, of fair character, approved integrity, sound judgment, and well informed. The list of persons thus selected, is to be sent within ten days to the county clerk, and they are to serve as jurors for three years and until new lists shall be returned. Notice

of the time and place of drawing jurors for any court, is to be published at least six days previously in a newspaper of the county, and is to be served on the sheriff and on the first, or some other judge of the county courts; and it is made their duty to attend and witness the drawing. In case of their neglect, the clerk is to notify two judges or justices to attend. The drawing must be had in the presence of the sheriff and a judge or justice, or two judges or justices; very precise directions are given respecting the mode of conducting: a minute of the drawing is to be made, signed by the clerk and attending officers, which is to be filed and they are to make a list of the persons drawn, which is to be delivered to the sheriff who is to summon them. Thirty-six jurors are to be drawn, unless a greater number shall have been ordered by a circuit judge for a circuit court, who may direct an additional number not exceeding twenty-five to be drawn.

Special juries are to be struck by the clerk of the county, upon the notice for that purpose; and when the clerk is interested, two indifferent persons are to be appointed by the court.

Aliens are not entitled to a jury of part aliens. It is not a cause of challenge to the pannel, that the clerk who drew them was a party, or interested, &c.; nor that they were summoned by a sheriff who was a party, &c., unless it be shown that there was an intentional omission to summon some of the jurors drawn. Jurors cannot be questioned or subjected to any action or proceeding, civil or criminal, for any verdicts rendered, except to indictment for corrupt conduct in the cases prescribed by law. The mode of taking exceptions to any decisions of the court, is regulated, as well as the manner of returning them. The taking of exceptions will not hereafter prevent the party from also moving to set aside the verdict, as being against evidence. If a cause is not tried at a circuit, a short form

of continuance is given, instead of the prolix entries.

The fifth title is entitled "of amending pleadings and proceedings," and is a consolidation in plain language of the various statutes of amendments and jeofails, with some additions, the most important of which is the extension of the statute to all civil actions, in courts of law, including suits for penalties and writs of mandamus, and seire facias, and informations in the nature of quo warranto.

The sixth title relates to the power and duties of sheriffs, &c., in the arrest and imprisonment of persons, and in the execution and return of process. Females are not to be imprisoned on any process, in any action founded on contract. Copious provisions are made for removing prisoners from the jail of one county to that of another, to be designated by three county judges, in cases where the jail shall be destroyed by fire or otherwise, or in any way become unfit or unsafe for the confinement of prisoners. And in case of fire in the jail, or the breaking out of any pestilence, provision is made for the removal of the prisoners. It is made the duty of the boards of supervisors of the several counties, within the year 1830 to appoint a reputable physician to attend the jail as its physician, who is to hold his office during the pleasure of the board. It is made a misdemeanor to bring into a jail any spirituous, fermented or other liquors, without permit from the physician. And every sheriff, jailor, or his assistant, suffering any to be brought in, is liable to fine and imprisonment, and on conviction, forfeits his office. A copy of the minutes of the court establishing the liberties of the jail, and of all alterations therein, is to be delivered within six months after the first of January, 1830, by the county clerk, to the keepers of the jails of their counties, who are to expose the same for public view in some public part of the jail, and to exhibit it to every person on his being admitted to the liberties. The sureties in a bond

months, after such appointment, is given for the liberties, may surrender their principal to the keeper of the jail. This provision is worthy of particular notice. In suits by sheriffs on bonds for the liberties, judgment is to be rendered on the return day of the writ, if the sureties had notice of the previous suit against the sheriff, and judgment shall have been rendered against him; and in all cases where such notice was given, the judgment against the sheriff is to be conclusive against the sureties: and the recovery of a judgment against the sheriff, is sufficient to entitle him to maintain an action on the bond for the liberties, without the judgment being actually collected. A sheriff is liable for the escape of a prisoner committed on a justice's execution, as if it were from a court of record. A sheriff is not obliged to swear to his plea of voluntary return or recaption of a prisoner.

Ample provisions are made for delivering over the jail, the prisoners, and sheriff's papers, on the election of a new sheriff, and a mode of compelling such delivery is prescribed.

The authority of a sheriff to command the assistance of every inhabitant of his county, to overcome actual, or apprehended resistance, is declared, and it is made a misdemeanour to refuse, or neglect to obey such command. When the power of a county is not sufficient to enable a sheriff to execute a process, the governor is to order a military force from any other county or counties.

Coroners are to execute process in all cases where the sheriff is a party. If a sheriff is arrested, they may take from him a bond for the liberties of the jail, or on the arrest, as the sheriff might in other cases. If a sheriff is to be confined, the coroner is to keep him in some house, other than the jail of the county, or the sheriff's own dwelling, situate within the liberties of the jail. If a person be arrested at the suit of a sheriff, he is to be committed to the jail, as in other cases, but the coroner is not to be liable for his escape; and such person is to be entitled to the liberties as other pri-

soners. It is made the duty of all sheriffs to receive prisoners committed by the courts of the United States, and they are answerable for the safe keeping of such prisoners in the courts of the United States.

The *eighth* chapter is entitled "of proceedings in special cases," and consists of seventeen titles on various miscellaneous subjects. To entitle a person to prosecute as a poor person, and without expense, he is to swear that he is not worth twenty dollars, excepting the necessary wearing apparel and furniture for himself and family, and excepting the subject matter of the action, when he is not in possession of it: and must produce the certificate of a counsellor, that he has examined the claim, and is of opinion that the poor person has a good cause of action. Process cannot issue for an infant who is sole plaintiff, until a next friend be appointed, who is to be responsible for the costs. The mode of proceeding to appoint such next friend is prescribed. Guardians are to be appointed for infant defendants, after the issuing of process against them, and before any further proceedings can be had. The manner of obtaining such guardians, and the proceedings in case of the neglect of the defendant to procure, are pointed out.

Actions for wrongs to the property, right, or interests of another, may be brought by executors, &c., against the wrong doer, or against his administrators, &c., in the same manner as suits upon contracts: except actions for libel, slander, assault and battery, false imprisonment, and for injuries to the person. Executors, &c., are not to be held to bail, except when charged with waste, and then only on the order of a judge. The term of eighteen months after the death of a person, is not to be reckoned as any part of the time limited by law for commencing suits against his executors, &c. And the time between the death of a person, and that of appointing executors, &c. of his estate, not exceeding six months; and six months after the appointment are

not to be reckoned as any part of the time limited by law for bringing suits by executors, &c. Executors and administrators are not to be liable personally, for any false plea. An executor of an executor, has no authority over the estate of the first testator. The inventory filed by an administrator, &c., is not to be conclusive against him, or in his favour, but may be explained and rebutted: and he is not to be charged for demands contained in the inventory, unless it appears that they have been collected, or might have been collected, with due diligence. Persons are not to be prosecuted as executors, in their own wrong, but are to be liable as wrong doers to the administrators, &c.

Very full and minute provisions are made respecting suits against legatees, next to kin, heirs, and devisees, and to enable creditors to recover of the next kin, money or property paid to them by the executors, &c. Heirs and devisees liable for the debts of their ancestor or devisor, can no longer be prosecuted in a court of law, but must be sued jointly in a court of equity; and to such suits the provisions of former laws on the subject are extended. The court of chancery has authority to compel payment to a child born after the will is made, and for whom there is no provision, of its share of the personal property, and a distribution of its proportion of the real estate; and has the like authority to distribute to persons who would otherwise be excluded on account of being witnesses to wills.

The fourth title of this chapter, which relates to proceedings by and against corporations and public bodies having corporate powers, contains many new and important provisions. Foreign corporations are entitled to sue in the courts of New York, upon giving security for costs, except in cases arising out of a violation of her laws. Domestic corporations are no longer required to prove on the trial, their existence, until it shall be denied by a plea in abatement or a plea in bar. And a mistake in nominating

a corporation in pleading, is to be pleaded in abatement or to be deemed waived. And it is not necessary to recite the acts incorporating any domestic corporation, or the proceedings under such acts, but a reference to the title of the act and the date of its passage, is sufficient. Suits may be brought in the supreme court by a resident of this state, against a foreign corporation, by attachment of their property, which is to be issued by a judge or supreme court commissioner, upon proof of the debt or damages claimed, and upon receiving a bond in \$250, with sureties, conditioned to pay costs in case of failure. The proceedings of the sheriff on the attachment are similar to those against absconding debtors. The plaintiff is to proceed in the suit as in other cases, and upon recovering judgment, is entitled to execution. Double costs may be awarded against him for a vexatious suit. The corporation may be let in to defend, upon giving a bond with sureties for the payment of the demand. If there are several judgments against a corporation at the same time, the property seized is to be appropriated among them by the court, in proportion to their respective amounts.

The chancellor has power to restrain a corporation from exercising any franchises not granted by its charter, and to restrain individuals from exercising any corporate rights not granted to them. And the injunction may be issued before the coming in of the answer. He has general jurisdiction over the officers of corporations, to call them to account for official conduct, to compel payment of moneys or property which they have transferred, lost, or wasted by misconduct, to suspend any trustee, or officer that has abused his trust, and to remove him from office for gross misbehaviour, or to direct new elections, to supply vacancies so created, or if there be no board or persons to make such elections, to report to the governor, who is authorized in such cases, with the consent

of the senate, to fill such vacancies; to prevent and set aside fraudulent alienations of the corporate property by its officers. But these provisions are not to divest the authority given by statute to any board of officers, to visit or control corporations. The proceedings to restrain insolvent corporations, and to appoint receivers to distribute their effects, are given at length. If the effects are not sufficient to pay the debts, each stockholder may be compelled to pay the amount due, and remaining unpaid on the shares of stock held by him. The corporation and its officers and agents may be compelled to discover its property, and all transfers made by it or them; and every person having such property under his control, may likewise be compelled to discover it. When suits in equity are brought against corporations, actions at law by other creditors may be restrained, and they may be notified to come in and participate in the benefit of the decree. Any corporation may be dissolved by the chancellor, on the application of the directors, whenever it shall be for the interest of the creditors or the stockholders. The proceedings are given in detail, together with the powers and duties of receivers. Supervisors of a county, and of towns, county superintendents of poor, commissioners of common schools and of highways, trustees of school districts, &c., may bring actions in their official character, upon contracts made with them or their predecessors, to enforce any duty or liability to them officially, to recover penalties and damages for injuries to their rights or property, as such officers or the bodies represented by them. Such actions may be brought in the name of their officers, although upon a contract made with their predecessors in their individual names. Actions against those officers are to be brought against them individually, specifying their offices, and are to be prosecuted as other actions. But the defendants are not to be held to bail, without the order of a judge, founded on proof of of-

ficial misconduct, or of personal liability having been incurred. Actions against counties are to be brought against the supervisors; those against towns are to be brought against the town by its name, and are to be commenced by summons, and proceeded in as in suits against corporations. Where a contract has been entered into in behalf of any county or town, by an officer duly authorized, an action may be brought on it by his successor. Suits by and against officers, are not to abate by their death, removal, &c., but their successors are to be substituted. When judgments are recovered against the supervisors, or county superintendents, against a town, or its supervisor, or overseers of the poor, a copy of the docket or record, if required, is to be laid before the board of supervisors, who are to add the amount to the tax of the county or town, against which the judgment was recovered, and that amount is to be collected and paid over to the plaintiff by the county treasurer. But if the county treasurer has moneys in his hands, not otherwise specifically appropriated, he is to pay the judgment against the county, and for neglecting so to do, he is to be personally liable to the plaintiff. In like manner, a supervisor of a town, or overseers of the poor, having moneys not appropriated, are to pay a judgment against them officially, and become personally liable for neglecting so to do: and the supervisor, in the like case, is to pay a judgment against his town. In the above cases no execution is to be issued against the defendant. In other cases, judgments against officers are to be collected of them individually, and the amount is to be allowed them in their official accounts.

The fifth title relates to suits against sheriffs, surrogates, and other officers on their official bonds. Whenever a sheriff becomes liable for the escape of a prisoner, or has been guilty of any default in his office, the injured party may apply to the supreme court for leave to prosecute his official bond, which the court is to di-

rect on proof of the delinquency, and that no satisfaction for it has been received. The pleadings and proceedings are to be similar to those prescribed in actions upon bonds, with conditions other than for the payment of money; but the name of the relator is to be stated, and it is to be deemed his private suit, and he may be nonsuited, &c., and judgment for costs may be rendered against him. No scire facias is to be brought on a judgment rendered, for a breach of the condition of the official bond, but distinct suits are to be brought by the parties entitled thereto. Provision against collusive recoveries, is made, so that sureties are to be answerable for the full amount of the penalty of the bond. The execution on any judgment is to have an endorsement, directing it to be levied, first of the property of the sheriff, and if there is not sufficient, then of the property of the sureties: and no execution against the bodies of the defendants, is to issue, until one against their property has been returned unsatisfied, in whole or in part.

The court of chancery may authorize a surrogate's bond to be prosecuted upon proof of his default or misconduct in office; and the proceedings are to be the same as on sheriff's bonds. Similar proceedings are to be had, when suits are directed by the chancellor upon the bonds of the register, assistant register, or clerks of that court. Applications to sue the official bond of the clerk of the city of New York, are to be made to the court of common pleas of that county, and the like proceedings, as on sheriff's bonds, are to be had thereon. And similar provisions are made respecting the prosecution of bonds given by marshals of cities, for which, application is to be made to the mayor's court of the city.

The sixth title relates to suits for penalties, &c., and for the collection and remission of fines and recognizances. Debt or assumpsit may be brought for a penalty, and trover may be maintained for property forfeited. Such actions are to be prosecuted in

the same manner as other personal actions; and suits by the attorney general, or district attorney, for penalties or forfeitures, are to be conducted in the same manner, and the amount recovered, when not specifically appropriated by law to any particular person, officer, town, or county, is to be paid into the state treasury. When a penalty is imposed for any offence committed on a stream of water, or lake, situated in two or more counties, it may be sued for in either county. Suits for penalties by the persons aggrieved, are to be conducted like other suits, but the process is in no case to be delivered to the plaintiff, but is to be returned to the court from which it issued. Upon all process for penalties, a general reference to the statute giving the action is to be endorsed; and in pleading, a similar reference is to be made. Very full and minute provisions are made for the collection of fines and recognizances, which, as they are technical, and relate to the duties of a particular officer, are not deemed proper to be here repeated. Courts of common pleas may remit fines and recognizances, with the concurrence of the first judge of the county, if he be present, and after notice to the district attorney, and giving him time to prepare to meet it. But they cannot remit a fine imposed by a court of oyer and terminer, or general sessions upon a conviction of a criminal offence, nor fines imposed for contempts, nor recognizances for appearance in another county: and the costs and expense incurred in the collection of a fine or recognizance, must, in all cases, be paid by the applicant. They may remit fines imposed by a court of special sessions, or by a justice of the peace; when the offender shall have been committed until such fine be paid. None of the provisions of this title apply to the city of New York.

The seventh title relates to the admeasurement of dower, in which there are but few new provisions, and as those relate to the mode of proceeding, they do not fall within the scope

of this abstract. It may be well to state however, that the right is expressly given to the widow to maintain ejectment for the lands admeasured to her, in which her right to dower may be controverted; but if she recovers, she holds that which was assigned to her during her natural life, subject to all taxes and charges accruing subsequent to her taking possession.

The eighth title provides for the collection of demands against ships and vessels. An entire new mode of proceeding is prescribed, similar to that against absconding debtors. A warrant of seizure is to be issued upon application by a creditor, and on proof of her debt; and notice is to be published for three months, requiring creditors to exhibit their demands, and that the vessel will be sold, unless the owner, or some person interested, appears and discharges the amount according to law, within three months. The warrant may be discharged by the owner, &c., executing a bond with surety, conditioned to pay the amount of the claims exhibited, which shall be established to have been *liens*; this bond may be executed at any time, before an order for the sale of the vessel shall have been granted. The proceedings of this bond, and the mode of ascertaining the claims of the respective creditors, are prescribed. If no such bond be given, the vessel is to be sold, and the proceeds are to be distributed among the creditors. If a claim be contested, it is to be referred to three referees, who are to proceed thereon as in other cases. The proceedings are to be returned to certain courts, who may correct an error therein, and make such order as shall be just. Vessels proceeded against in the courts of the United States, are not subject to this title.

The ninth title relates to distress for rent, and the recovery of demised premises for non-payment of rent, by ejectment. A distress cannot be made for rent, for which a judgment has been recovered. Distresses are in all cases to be made, by a sheriff, marshal of a city, or constable of a

town; and to authorize them, there must be an affidavit by the person for whose benefit the distress is made, his agent or receiver specifying the amount of rent due, and the time for which it accrued: which affidavit is to be filed with the warrant of distress, in the office of the town clerk, or in the cities, with the clerk of the county. A penalty of fifty dollars is imposed for neglect, by the officer having the distress, to comply with this provision. The articles which may be distrained are enumerated, and they may be cut, gathered, and secured in a secure place; but things annexed to the freehold, or to a building, and produce of the soil, in the ground, are not to be removed until after a sale thereof. The following property cannot be distrained:—such as is deposited with the tenant, or hired by him, or lent to him, with the consent of the landlord; such as shall have accidentally strayed on the premises, or shall have been deposited with the tavern keeper, or keeper of a warehouse, in the course of their business; or deposited with a mechanic, or other person, to be repaired or manufactured; but the officer is not to be liable for seizing such property, unless he has notice of the claim of a third person on it. The officer making a distress is to leave an inventory of the property taken, with notice of the cause of the distress, and the amount of the rent due, which is to be left with the tenant, or if he be absent, at the principal dwelling house, or some other notorious place on the demised premises. If the rent and costs are not paid within five days after such notice, the property seized is to be appraised in writing by two disinterested householders, to be summoned and sworn by the officer. After five days notice, the property is to be sold. The proceedings to recover lands by ejectment for non-payment of rent, do not differ materially from the former law on that subject.

The tenth title provides the means of recovering the possession of land in certain cases. The statute con-

cerning forcible entries and detainers, is entirely remodelled, and certain defects are supplied. The authority vested in justices of the peace in such cases, is taken from them, and is confined to circuit judges, supreme court commissioners, judges of county courts, mayors, recorders and aldermen of cities and special justices, marine court justices, and assistant justices in the city of New York. Complaint is to be made to some one of the above mentioned officers in writing, accompanied by an affidavit of the forcible entry, or forcibly holding out, and that the complainant has a right to the possession of the premises, stating it; upon which a jury of inquiry of twenty-four persons is to be summoned, and the adverse party is to be notified. The jury are to inquire and make their inquisition, which may be traversed on paying certain expenses of trying it, by the tenant, or by his landlord, on the latter making affidavit of his claim. A jury is then to be summoned, who are to try the issue; the title to the premises is not to be tried, but a possession of three years by the actual occupant, is a bar to the prosecution. If a verdict be found against the occupant, or if there be no traverse, a precept is to issue to restore the complainant to his possession, and to collect the costs and expenses of the proceedings. Certioraris to remove the proceedings can only be allowed by a judge of the supreme court, or a commissioner of that court, upon receiving a bond with sureties, conditional for the defendant's appearing and standing trial, &c. The bond is to be prosecuted under the order of the court, upon the defendant's default or conviction. Upon a conviction for a forcible entry or detainer in a court of oyer and terminer, or court of general sessions, such court may award restitution. The authority heretofore conferred on a single magistrate, upon view of the premises and of the force, to fine the defendants, is abolished.

When any demised premises have been deserted, by a tenant being in

arrear for rent, and leaving no goods to satisfy the rent, a justice of the peace, on proof of those facts, is to view the premises, and if satisfied of their truth, is to affix a notice on the premises requiring the tenant to pay the rent at a time to be specified, not less than five, nor more than twenty days from the date. If the rent is not paid, and there is no property to satisfy it, the justice is to put the landlord into possession, and any demise or lease of the premises to such tenant thereupon becomes void. Appeals from the proceedings of the justice may be made by the tenant within three months, to the court of common pleas, who may affirm them or order restitution.

An act passed in 1820 authorizing the removal of a tenant for non-payment of rent, is extended to the case of a defendant in an execution, continuing to hold land that has been sold under it, after a deed has been executed, and is otherwise modified in a few particulars. The defendant, in the case mentioned, may stay proceedings by paying the costs, filing an affidavit that he claims the land by a title accruing after such sale, or as guardian, &c., for another, and executing a bond with sureties to pay the costs of an action of ejectment, and the value of the use of the premises until they shall be recovered, and not to commit waste. In all proceedings under this statute, costs may be recovered by the prevailing party.

The eleventh title relates to the distraining of cattle and other chattels doing damage, &c. When distrained, they are to be kept in some secure place other than the public pound, until the damages be appraised. Within twenty-four hours after such distress, application is to be made to the fence-viewers of the town, to appraise the damage. They are to repair to the place, and are authorized to examine witnesses in relation to the damage and the sufficiency of any fence around the premises, and are to certify the amount of the damage and of their fees. Within twenty-four

hours after the damages are appraised, unless the amount, &c., shall have been paid, the cattle may be put in the nearest pound in the county where distrained, until sold, or replevied, or until the damages are paid. If not replevied, the pound master shall sell as many of them as shall be necessary, within six days, at public vendue, giving forty-eight hours notice of such sale by fixing up an advertisement at the pound and the nearest public place. The proceeds of the sale are to be applied to the payment of the fees of the poundmaster, of the fence viewers, and the amount of the damages, and the surplus is to be paid to the owner of the beasts. If no owner claim such surplus within a year, it is to be paid over to the overseers of the poor. When inanimate goods or chattels are distrained, they are to be kept in a safe place until the damage is appraised, and the goods disposed of. Two fence-viewers of the town are to be applied to, to appraise the damage. The fence-viewers are to proceed in the same manner, as they do with respect to cattle doing damage, and in addition thereto they are to estimate and certify the value of the distrained property. The distrainer is to give notice of the sale, which is to be at least ten days from the time of the notice.

If the property exceed fifty dollars in appraised value, a notice is to be given in the nearest newspaper, and the time of sale is to be at least thirty days from the notice. If the goods be not removed, and the damages, &c., paid, by the time appointed for the sale, the distrainer shall apply to the sheriff, or one of the constables of the town, to sell the goods. The officer is to proceed in the sale of the goods, in the same manner as on executions against personal property in civil cases. The proceeds of such sale are to be applied to the payment of the damages, and the expenses incurred, and the balance, if any remain, is to be paid to the county treasurer, for the use of the owner of such property, or his legal representatives.

The court of common pleas, upon the application of the owner of such property or his representatives, will direct the county treasurer to pay over such balance to the owner, after deducting a commission of five per cent. If the court entertain any doubt of the ownership of such property, before ordering the balance to be paid over, they shall require the claimant to execute a bond, conditioned to pay the balance to any person, who shall establish his right to the same within two years. When any officer is authorized by the provisions of any statute, to distrain on any property, he is required to give at least five days' notice of the sale of such property. Before such sale, an appraisal of the property is to be made, with an inventory of the property. Within ten days after the sale, an affidavit, specifying the cause of the distress, and of the notice required is to be given, and the certificate and the inventory of the appraisers, is to be filed with the clerk of the place where the sale is made. Unless proof, &c., is made, the officer making the distress, shall forfeit to the owner of the property sold, twenty-five dollars. The proceeds of the sale are to be applied to the payment of the damages and expenses incurred, and the residue is to be paid over to the treasurer of the county. Such residue may be obtained by the owners of the property sold, in the same manner as the balance remaining after the sale of inanimate chattels.

The twelfth treats of the action of replevin. This action may be brought for the recovery of goods wrongfully taken, distrained or detained, except in cases afterwards specified. When brought to recover goods distrained, the venue must be laid in the county where the distraint was made. It does not lie for the recovery of property taken by virtue of any warrant for the collection of any tax, &c., neither does it lie at the suit of the defendant in execution, to recover goods or chattels seized by virtue of any execution or attachment, unless such

chattels are exempted by law from such execution, nor does replevin lie at the suit of any other person, unless he shall, at the time, have a right to reduce them to possession. Replevin is to be commenced by writ, which shall not be executed until the plaintiff, or some one for him, make an affidavit, that he is the owner of the property described in the writ, and entitled to the possession of the same; that the same was not seized upon warrant or execution, against the goods of the plaintiff; and shall also execute a bond, with sureties, &c., to prosecute his suit without delay; and in case judgment be against him, and a return of the property be awarded, to return the same and to pay such sum of money as the defendant in the action shall recover against him. The sheriff shall execute the writ by delivering possession of the property named in the writ, to the plaintiff or agent, and by summoning the defendant according to the tenor of the writ. If the property to be replevied, or any part of it be secured or concealed in any building or enclosure, the officer shall publicly demand the deliverance thereof; and if it be not delivered he shall cause the house or building to be broken open, and shall make replevin according to the writ. If the property be concealed, so that the sheriff cannot make delivery thereof, he shall arrest the body of the defendant, and keep him in custody, until the property is delivered. The defendant shall be discharged from custody upon executing a bond with sureties, &c., to abide the order and judgment of the court in such action, and that he will cause special bail to the action to be put in, if required. If any person, who shall be in possession of the goods and chattels specified in the writ, shall claim property therein, the sheriff shall summon a jury to try the validity of such claim. Notice is to be given to the parties. Process of subpoena may be issued to compel the attendance of witnesses, and the sheriff shall have power to administer oaths

to the witnesses and jury. If the jury find that the property is not in the person claiming the goods, the sheriff is to deliver them to the plaintiff: if the jury find in favour of the person claiming, then the sheriff shall not deliver them to the plaintiff, unless he be indemnified, and the fees, &c., are refunded to the claimant. If an officer to whom the writ of replevin is directed, shall deliver to the plaintiff any goods claimed before the same is inquired into, he forfeits to the person making the claim, \$250, besides being liable for damages. If the goods specified have not been delivered to the plaintiff, he may proceed in his action for the recovery of their value. The writ of replevin is to be returned before the return day thereof, and the sheriff is to state in what manner he has executed it, and is to annex to it the affidavit and the names of the persons who were sureties in the bond taken for the plaintiff. The manner in which the action is to proceed is then prescribed.

No aid-prayer is to be hereafter allowed in an action of replevin. With the general issue, the defendant may give notice of any matters, which, if properly pleaded by avowry, or plea, would be a bar to the action. In answer to any avowry, the plaintiff may plead as many matters, as he shall think necessary for his defence. After issue joined, either party may give notice of trial.

When property, distrained for rent, is replevied, the defendant may make a suggestion in the nature of an avowry for the rent in arrear; a writ of inquiry is to be awarded to the sheriff, to ascertain the sum due. If the property distrained is not equal to the rent in arrear, the party to whom such rent is due may distrain again for the residue.

Every judgment recovered in an action of replevin, shall be docketed and have the like effect as a charge upon real estate, as judgments in personal actions. The writ of *withernam*, and all writs of second deliverance, are abolished. Either party

in an action pending in the court of common pleas, may remove the same into the supreme court, by writ of *certiorari*.

Title thirteenth treats of proceedings as for contempts, to enforce civil remedies, and to protect the rights of parties in civil actions. Every court of record has power to punish for any neglect or violation of duty, or any misbehaviour by which the rights or remedies of any party in a cause depending in such court may be defeated, impaired, &c. As in the case of attorneys, sheriffs, &c., for misbehaviour in their office or trust; in case of persons not paying over money when so ordered, and an execution cannot be awarded for the collection of such money; in case of persons summoned as witnesses, refusing to attend or to be sworn; in case of jurors conversing with a party to a suit, without disclosing the same to the court, and for other improper conduct; and in all other cases, where attachments and proceedings as for contempts have been usually adopted and practised in courts of record. If such misconduct is committed in the presence of the court, it may be punished summarily; if not so committed, it must be proved by affidavit, &c., and the party accused shall have a reasonable time to make his defence, except in cases of disobedience to any rule requiring him to pay money, or of disobedience to any subpoena. If the party charged with misconduct be in custody by virtue of an execution, he may be brought up by a writ of *habeas corpus*, to answer for such misconduct. When an attachment is issued by the special order of any court, such court shall direct the penalty in which the defendant shall give a bond for his appearance. When issued without such order, application is to be made to a judge of the court, or some officer authorized to perform the duty of such judge, to determine the penalty, in which he shall give bond for his appearance; and upon giving such bond, the defendant is to be discharged from

arrest on such attachment. When an attachment is issued by special order of the court, a certificate is to be made upon it to that effect; and if no penalty is mentioned upon it, the defendant shall not be discharged from arrest upon executing a bond or an attachment issued without such special order, and no penalty endorsed thereon, the defendant is to be discharged from arrest, upon executing a bond in the penalty of \$100. When the defendant is brought up on the attachment, he is to be examined under oath, and other proofs may be received, contradictory of the answers of the defendant. Such contradictory evidence was not admissible under the old law; but the defendant was to be discharged, and could only be proceeded against by an indictment for perjury. If the defendant is adjudged guilty of the alleged misbehaviour, a fine shall be imposed sufficient to indemnify the party injured, and to satisfy his costs and expenses. Persons proceeded against according to the provisions of this title, are also liable to indictment for the same misconduct, if it be an indictable offence.

If the defendant against whom an attachment issue, do not appear on the return day thereof, the court may award another attachment, or direct the bond to be taken on the arrest to be prosecuted, or both. Any misconduct, which may be punished by fine or imprisonment, by the provisions of this title, and which shall have occurred at the circuit court, or on any reference to proceedings pending in such court, and which may not have been punished by such court, may be inquired into and punished by the supreme court. If any person duly *subpoenaed* to attend at any circuit court, shall refuse to attend, the court may award an attachment against him.

Title fourteenth contains the law on arbitrations. All persons, except infants, married persons, and persons of unsound mind, may, by an instrument in writing, submit any controversy they may have, except where

otherwise provided, to individuals to decide, and may agree in such submission, that a judgment of any court of record shall be rendered upon the award. No such submission can be made respecting the claim of any person to any real estate in fee or for life; but any claim to an interest for years, or controversies about boundary lines, &c., may be submitted. The arbitrators shall appoint a time and place for the hearing, and are to be sworn. Witnesses may be compelled to appear before them by subpoenas, issued by any justice of the peace; and the oaths to them, and also to the arbitrators, may be administered by a judge of any court of record, or by a justice of the peace. All arbitrators must hear the proof and allegations of the parties; but a majority of them may make an award, unless it is otherwise expressly required in the submission. The award must be in writing, signed by the arbitrators making it, and attested by a subscribing witness, to enable it to be enforced according to the provisions of this title. The award may be set aside by the court designated in the submission, on the ground of fraud, corruption, and certain other enumerated reasons, and they may modify or correct it in case of an evident miscalculation of figures, where the award is imperfect in matter of form, not affecting the merits of the controversy, &c. Every application to vacate or modify an award must be made at the next term after its publication. The court may vacate the award in the cases specified, or they may direct a rehearing by the arbitrators, if the time within which the award was required to be made shall not have expired. Upon the award being confirmed, judgment thereon shall be rendered. A record of the judgment shall be made, and it is to be filed and docketed as judgments in other cases, and is to have the same force and effect.

The court, to which a writ of error from such judgment shall be returned, shall reverse, modify, or amend, or

affirm such judgment or any part thereof according to justice. Nothing contained in this title is to affect in any way the power and authority of the court of chancery over arbitrators and awards, or to affect the right of action upon any award or any engagement to abide by an award.

Neither party can revoke the powers of the arbitrators after the cause shall have been submitted to them, upon a hearing of the parties for decision.

Title fifteenth relates to the foreclosure of mortgages by advertisement. Every mortgage of real estate hereafter executed by any person over twenty-one years of age, containing a power to any person to sell such estate upon default being made in any condition of such mortgage, may be foreclosed by advertisement. Before advertisement is made, it is necessary that some default in the condition of the mortgage shall have occurred; that no suit has been commenced at law to recover the debt secured by the mortgage, or if commenced, that it has been discontinued, or an execution upon the judgment thereon has been returned unsatisfied in whole or in part, and the power of sale or mortgage containing the same has been duly registered or recorded. Notice that such mortgage will be foreclosed is to be duly published in a newspaper printed in the county, where the premises are situated; and such notice is also to be affixed on the outer door of the building where the county courts are held twenty-four weeks prior to the sale. The sale may be postponed from time to time. The original notice is to specify the names of the mortgagor and of the mortgagee, a description of the premises to be sold, &c. The sale is to be at public auction, in the day time, and in the county where the premises are, except in sales on mortgages to the people of this state, in which case they may be at the capitol in Albany. The mortgagee assignee, or their representatives may, in good faith, purchase the premises. Such sale shall not

affect in any way any mortgagee whose title prior to such sale, nor any creditor to whom the mortgaged premises, or any part thereof were bound by any judgment at law or decree in equity. The affidavits of sale, of the publication, and of the affixing up the notice, and after being certified by any judge of a court of record, or other authorized person, may be filed in the office of the clerk of the county, and shall be presumptive evidence of sale, and when purchase is made by a mortgagee, shall have the same effect as conveyance made by him. Nothing in this title shall affect the provision contained, in the sixth title of the ninth chapter of the first part of the Revised Statutes.

Title sixteenth relates to the draining of swamps &c. Any person owning any bog, swamp, &c., in any county in the state, except in the county of Orange, who deems it necessary to make a ditch through the land of another to drain the same, may apply to any justice of the peace in that town to issue a summons for a jury to determine the damages, that would result from making such ditch. The jury are personally to examine the premises, and to assess the damages, that would result to the owner of the land from making such ditch; and upon payment of the damages so assessed, the person, applying for the inquiry, shall have a right to make it, and afterwards to clear and keep it open. Any person who shall dam up or obstruct such ditch is liable to pay to the owner of the bog, swamp, &c., to be drained, double the damages assessed by a jury for the injury sustained.

Title seventeenth contains miscellaneous provisions concerning suits and proceedings in civil cases. Every person, who shall cause any one to be arrested in the name of another without his consent, vexatiously, is liable to punishment, fine, &c. No inhabitant is disqualified from being a juror or witness in a suit brought to recover any penalty, which is forfeited to the town, neither is any officer on such ground disqualified from summoning

a jury in such cause. A juror summoned to inquire into any special proceeding before a circuit judge, and neglecting to attend is liable to a fine of \$25. When such fine is imposed, notice is to be given to the person fined, so that he may render an excuse to the officer imposing it, if he have one, in order that the same may be remitted. Every officer required to take any sureties or bail, is authorized to administer oaths to ascertain their sufficiency.— Provision is also made for the payment of costs which shall be due from the people of this state, as if suits were between individuals. The rule has heretofore been that states as sovereigns do not pay costs, when defeated in suits. The action of detinue and proceedings to outlaw any defendant are abolished. Trespass on the case may be brought for any wrongful act to the person, personal property, or rights of another, or to his wife, servant, or child, whether the injury be direct or consequential. In an action for a certain sum of money or for a casual and involuntary trespass, the defendant may make tender of such sum, and of the costs already incurred, as he considers the plaintiff entitled to; and if judgment be not for a greater sum, he shall be entitled to his costs that accrued subsequent to the tender. If the tender be accepted by the plaintiff, who proceeds in the action and recovers a greater amount than the tender, the sum accepted is to be deducted from the amount recovered, and judgment rendered for the residue. If a jury, after being kept together for a reasonable time cannot agree, they may be discharged, and another jury may be summoned, before whom the same proceedings may be had as before the jury discharged. When any duty or authority is conferred by law to three or more persons, such duty or authority may be performed by a majority upon a meeting of all such persons, unless special provision is otherwise made.

Provision is made to compel individuals, who refuse to give testimony in motions pending before the supreme

court to make affidavit to such facts as are within their knowledge. This power was no where vested before: law courts, only having the power to take parol testimony.

When a county is divided, judgment may be renewed, and proceedings had in county courts as though no division had taken place.

Chapter *ninth* relates to the writ of *habeas corpus*, to appeals, informations, &c. It is divided into three titles, which are subdivided into articles. Title first is divided into three articles. The first article treats of the writ of *habeas corpus* to bring up a person to testify, or to answer in certain cases. Any court of record, or the chancellor, or a justice of the supreme court, has a right to issue it upon the application of a party, by affidavit, stating the name of the suit, and that the witness is material, &c. If the return to the writ so issued, be that the prisoner is in confinement on a civil or criminal process, he is to be remanded after he has testified.

Any claimant of a fugitive from labour or service in another state, upon making due proof of his title to such labour, may have this writ to bring up such fugitive before the officer issuing the writ. If the officer is satisfied that the claimant is entitled to such service, he shall grant him a certificate, stating the same, which shall authorize the claimant to take such fugitive out of the state. If the officer is not so satisfied, the fugitive shall be discharged, and the claimant forfeit to him one hundred dollars, which he may recover together with the damages he has sustained.— Though a writ of *habeas corpus* be served, the fugitive is entitled to bring his writ of *homine replegiando*, which suspends all proceedings upon any writ of *habeas corpus* that may have issued to apprehend him. Any person attempting to remove a fugitive from this state without the certificate heretofore mentioned, or before a judgment upon a writ of *homine replegiando*, shall forfeit five hundred dollars to the party aggrieved. Arti-

cle second of this title, relates to the issuing a writ of *habeas corpus*, or of *certiorari*, to inquire into the cause of the detention of a prisoner. Any person detained under any pretence whatsoever, may prosecute either of these writs, according to the provisions of this article, except, 1st, when he is detained by virtue of any process, issuing from any court of the United States, or judge thereof, having exclusive jurisdiction of the same.— Second, when detained by virtue of the final judgment or decree of any competent tribunal of civil or criminal jurisdiction, or by virtue of any execution issued upon such judgment or decree; but no order of commitment for any alleged contempt, shall be deemed such judgment or decree. Application for such writ is to be made by petition to the supreme court, during its sitting; or during the term or vacation of such court, it may be made to any justice thereof, at chambers, or to any person authorized to perform the duties of such justice, or it may be made to the chancellor of the state. Such petition must state first, that the person applying for the writ, is detained, where and by whom he is detained, and the names of the parties, if known. Secondly, that the person is not detained in one of the excepted cases, in which the writ cannot issue. Thirdly, it must state the cause of detention, if known. Fourthly, if the restraint is by virtue of any warrant or process, a copy thereof must be annexed to the petition, or it must be avowed, that a demand of such copy could not be made in consequence of the persons being removed before the application; or if made, that the legal fees therefor, were tendered, but that the copy was refused. Fifthly, if the imprisonment be alleged to be illegal, it must be stated wherein it is illegal. Sixthly, it must be stated whether a writ of *habeas corpus* or *certiorari* is applied for; and lastly it must be verified by the oath of the applicant. The writ applied for by such petition, shall be granted without delay, and the form

of such writ is given in this article. It is not to be disobeyed for want of form, and it is sufficient to designate the person to whom it is directed, by his own name, or that of his office, or by an assumed name, and any person to whom it is delivered, is bound to make a return on it. The person in custody, may be designated in any way so as to describe him, when his name is unknown.

When the supreme court, or any circuit judge shall have evidence from any judicial proceeding before them, that a person is illegally restrained of his liberty, they shall issue a writ of *habeas corpus*, without application being made for such writ. Any officer, authorized to issue such writ, who shall refuse to do the same when legally applied for, shall forfeit one thousand dollars.

The manner in which a return is to be made to such writ, is prescribed. Any person, upon whom such writ of *habeas corpus* or *certiorari* shall have been duly served, omitting to produce the party named in such writ of *habeas corpus*, or to make due return to such writ of *certiorari*, without sufficient excuse, is liable to an attachment, and to be committed to close custody till he comply. The court or judge, on the return of the writ, shall proceed to examine into the cause of the detention; and if no legal cause be shown for such detention, the party shall be discharged from such restraint. The party shall not be discharged if it appear that he is detained in custody by legal authority, as enumerated above. If any party to be produced by a writ of *habeas corpus*, is too unwell to be produced, the party in whose custody he is, may state such fact in his return, and if the court is satisfied of the truth of such allegation, the court may proceed to inquire into the cause of imprisonment, the same as if a writ of *certiorari* had been issued instead of such writ of *habeas corpus*. If a writ of *habeas corpus* is applied for, and the court are satisfied upon the matters set forth in the petition, that

the cause for which the party is in custody is not bailable, instead of awarding a writ of *habeas corpus*, a writ of *certiorari* may be granted in the same manner as if it had been applied for. Upon the return of such writ, the court shall proceed in the same manner as upon returns to writs of *habeas corpus*. If upon the return to a *certiorari*, it shall appear that the person detained, is entitled to bail, the court shall direct him to be bailed, and upon filing such bail, &c., the party shall be discharged. Obedience to any writ of discharge, may be enforced by attachment, and the officer obeying such writ, is not liable to any civil action. No person once discharged by the order of any court or officer, upon a *habeas corpus* or *certiorari*, shall be again detained for the same cause. It is also declared what shall not be considered the same cause. Any person who shall violate this provision, shall forfeit to the party aggrieved, two hundred and fifty dollars, and be also deemed guilty of a misdemeanour. Any one having in his custody a person entitled to a writ of *habeas corpus* or *certiorari*, who shall transfer such prisoner to the custody of another, for the purpose of eluding such writ, shall be deemed guilty of a misdemeanour, and be liable to be fined and imprisoned. Whenever it shall appear by satisfactory proof, that any person is in illegal confinement, and that there is danger he will be carried from the state before he can be relieved by a writ of *habeas corpus* or *certiorari*, a warrant may be issued by the court, directing the officer to whom the warrant is directed, to bring the prisoner, and in some cases, the person detaining him, before the court. If the person detaining the prisoner is brought up, he may be committed or bailed, &c., as in other criminal proceedings or unlawful detention. Proceedings upon a writ of *habeas corpus* and *certiorari* may be carried up to the supreme court, and from the supreme court to the court of errors. The provisions of the

common law in regard to the writ of *habeas corpus* treated of in this article, are abolished, except so far as they may be necessary to carry the provisions of this article into effect. Article third of this title contains general provisions about issuing writs of *habeas corpus*, *certiorari*, or discharge, which need not be here enumerated.

Title second, of the ninth chapter, relates to the proceedings by *scire facias*, *mandamus*, &c. Article first, of this title, treats of *scire facias*. This writ may be brought to revive a judgment, when execution shall not have issued upon it within the time allowed by law after the filing of the record of the judgment; it may also be issued to revive a judgment against the personal representatives of a deceased defendant. It may also be brought to revive a judgment against tenants of any real estate. Such tenants may plead in abatement, that there are other tenants who ought to be joined with them. This provision is intended to prevent the old method of protracting a cause by pleading, that there are terre-tenants who ought to contribute. But a tenant who neglects so to plead in abatement, is not precluded from resorting to his co-tenant for contribution. A writ of *scire facias* may also be issued from the supreme court, for the purpose of vacating or annulling any letters patent, granted by the people of this state. The cases, in which it may issue for such purpose, are enumerated. This writ may also issue to vacate acts of incorporation, when procured by fraudulent suggestion or concealment. But in that case, before it is issued, it must be specially directed by the legislature to be issued. Provisions are also made, declaring the course of proceeding under such writs, and obviating the questions constantly arising under the mysterious and confused directions of the English books of practice.

Article second treats of informations in the nature of a *quo warranto*, and in certain other cases. An infor-

mation in the nature of a *quo warranto* may be filed by the attorney general, in the supreme court of this state, upon his own relation, or of a private person, either when a person shall unlawfully usurp or intrude into any public office within the state, or into any office of a corporation created by the authority of this state; and whenever any public officer shall have done any act which works a forfeiture of his office, or when any persons shall act as a corporation in this state, without being legally incorporated.

When judgment is rendered upon a *quo warranto* in favour of a person claiming an office, he may, after having legally taken upon himself the execution of such office, demand of the defendant the books and papers belonging to the same, and if the defendant refuse to deliver them, he shall be deemed guilty of a misdemeanour, and process may be had to procure them. At any time within one year after judgment in favour of the claimant is docketed, he may make a suggestion of the damages he has sustained in consequence of the usurpation of the defendant. The proceedings to be had upon such suggestion are pointed out, and issues of fact or law are to be determined as in personal actions.

A writ of *quo warranto* may also be filed by the attorney general upon his own relation, on leave granted, against a corporation, when it shall, 1. offend against the provisions of any acts by which it was created or altered; or, 2. violate the provisions of any law by which it shall have forfeited its charter by mis-user; or, 3. have forfeited its privileges, &c., by non-user; or, 4. when it shall have done any acts which amount to a surrender of its corporate rights, &c.; or, 5. when it shall exercise any privileges, &c., not conferred upon it by law. Leave to file such information may be granted by the supreme court in term time, or by any justice thereof, in vacation. The manner of proceeding against such corporation, by

summons, &c., is set forth. When judgment shall be rendered upon an information in the nature of a *quo warranto*, that a corporation has forfeited its charter, the court of chancery shall have power to restrain such corporation, and to appoint a receiver, &c. When any real or personal property shall become forfeited to the state, an information may be filed therefor, upon which the same proceedings shall be had as in an action of trover, if it be for the recovery of personal property, or as in an action of ejectment, if it be for the recovery of real property.

Article third, of this title, treats of writs of *mandamus* and prohibition. When any writ of *mandamus* is directed to any person, body, or tribunal, a return is to be made to the first writ, and issues of fact, or law, taken thereon. Issues of fact are to be tried in the county in which the material facts shall be alleged to have taken place. If a verdict, or judgment, be rendered in favour of the person suing out the writ, a peremptory *mandamus* shall be granted him without delay. Whenever a peremptory *mandamus* shall be directed to any public officer, or board, commanding them to perform any public duty enjoined upon them by law, and they shall neglect to perform such duty, without just and reasonable excuse, the court may impose a fine of \$250 upon every such person. A writ of prohibition can only be issued out of the supreme court. It must be applied for upon affidavits, upon motion, and commands the court, and party to whom it is directed, to refrain from further proceedings in the suit specified therein, until further order therein; and to show cause at the next term, why they should not be absolutely restrained from further proceedings in said suit. A return to such writ shall, in like manner as in a *mandamus*, be made by the court; and such return may be enforced by attachment. The court after hearing the proofs and allegations of the parties, shall render judgment absolute, either that a writ of

prohibition restraining the court from proceeding, do issue, or a writ of consultation, authorizing the court to proceed.

Article fourth, of this title, treats of the writ of *ad quod damnum*. Whenever the governor of this state is authorized by law, to take possession of any land for the benefit of the state, and cannot agree with the owners of said land, for the purchase thereof, he may apply to the court of chancery for a writ of inquiry of damages, which shall thereupon be issued, directed to the sheriff, &c. The sheriff shall give three weeks notice of executing such writ. He shall summon twelve qualified jurors to attend at such time, who shall view the premises, and assess the damages, which the owner or owners shall sustain, on being deprived thereof. The sheriff and jurors shall sign their inquisition; and the sheriff shall forthwith return the same, with the writ, to the court of chancery. The court shall examine the inquisition, and if it be partial, or defective, shall set it aside, and direct a new inquisition. If it appear to have been duly executed, an order shall be entered that the premises vest in the state, upon the money, assessed in the inquisition, being paid into court. When such money is paid in, the court shall direct it to be invested in permanent securities for the person entitled thereto. The person claiming such money, must apply to the court by petition, and the court shall direct the securities to be transferred to the person entitled to them. The like proceedings are to be had, when lands, &c., are required for the use of the United States.

Title third relates to writs of errors and appeals. The first article of this title treats of the former, which are to issue, of course, out of the court where they are made returnable. And other provisions are introduced to simplify the course of proceeding upon writs of error; to include *qui tam* judgments; to abolish proceedings by *scire facias*, to sum-

mon the representatives of deceased parties, or husbands of female parties; to ensure due notice of issuing of writs of error; and to provide for determining questions of fact arising in courts of error, by trial at a circuit court. All acts done in good faith, before reversal, under a decision of the supreme court, which is afterwards reversed, are to be so far valid as not to subject the party, doing such acts to any penalty or forfeiture.

The second article relates to writs of certiorari and error, on proceedings instituted against absent, or absconding debtors, the details of which are unnecessary to be enumerated.

The third article provides for the practice on appeals from the court of chancery, and gives power to the court of chancery so to regulate appeals, as to permit the parties to proceed, unless indemnified by the parties offending from the consequences of delay.

Chapter *tenth*, regulates the costs to be allowed to the officers of courts, in civil suits; and when security is to be provided for the costs awarded against non-resident plaintiffs; declares the cases in which costs may be recovered, and generally provides for the whole subject of costs in civil actions. The provisions are minute, but as they are of immediate concern

only to the legal profession, they are here omitted.

The **FOURTH PART** consists of a consolidation of the several statutes of the state, relating to crimes, punishments, proceedings in criminal cases, and prison discipline.

These laws are here classified and simplified.

Definitions are given to crimes in most instances conforming to the common law, but in some cases modifying them.

In a future volume, it is contemplated to give a general view of this system, compared with the penal code of Louisiana; but our limits at present, confine us to the abstract of the revision of those acts relating to the civil statutory code of this state.

This is a highly important movement in the civil and legal history, not merely of this member of the confederacy, but of the whole union. It marks the greatest reform made in this state since the revolution, upon the legal precedents and statutes of England, and is pregnant with important consequences, which time alone can fully disclose.

The plan is simple and plain, and it undoubtedly has remedied many difficulties, and abolished many absurdities, but practice alone can enable us to determine as to its operation.

NEW JERSEY.

July, 1827.—A convention was held at Trenton, composed of delegates from nine out of fourteen counties in the state. Lewis Condict was chosen president, and resolutions were passed, recommending that the legislature pass a law authorizing an election in the several counties in this state for delegates to meet in convention for the purpose of preparing such a revision, and proposing such amendments to the constitution of this state, as they may think proper for the consideration of the people.

October 23d, 1827.—The legislature commenced its session. Silas Cook

was elected vice-president of the council, and William B. Erving, speaker of the house. One of the members from Monmouth, while on his way from home to take his seat in the house was arrested on a *ca. sa.* by the sheriff of Monmouth. The house resolved this to be a breach of its privilege, and despatched a sergeant at arms with the speaker's warrant to compel the appearance of the sheriff with his prisoner forthwith at the bar of the house. On the 31st of the month, Isaac H. Williamson was appointed Governor.

PATERSON.—In 1808 this flourish-

ing town had about 300 inhabitants, in 1820, 1837; in 1828, the population is computed at 8000! Its manufactures require 2,000,000 lbs. cotton and 600,000 lbs. of flax. One rolling mill and nail factory makes annually about 850,000 lbs. of nails; one machine making shop uses 600,000 bs. of iron, and 16,500 of brass, &c. The capital invested is more than \$1,000,000.

February 4, 1829.—The two houses of the legislature met in joint meeting at 10 o'clock, for the appointment of senators, clerk of Middlesex, &c. The first appointment called up was that to supply the vacancy occasioned by the resignation of Dr. Bateman in the senate of the United States—Messrs. Southard, Dickerson, Wall, Ewing and Jeffers, were on nomination—and a number of ballotings ensued, Mr. Southard receiving from 23 to 26 votes, and the remainder scattering—the joint meeting then adjourned without coming to a choice, and met again at 3 o'clock, when, after two successful ballotings, *Mr. Potts* offered the following resolution:

“Resolved, That, in the opinion of this joint meeting, the hon. Samuel L. Southard is not an inhabitant of the state of New Jersey, and therefore not eligible to the office of senator in the congress of the United States, under the 3d article of the constitution of the United States, and that his name be withdrawn from the list of nominations.

Which resolution, after some de-

bate, was adopted, 29 voting in the affirmative, and Mr. Southard's name was withdrawn accordingly. The joint meeting then proceeded to vote, and on the 2d ballot Mr. Dickerson had 28 votes, and was declared to be duly elected senator in the place of Dr. Bateman. The appointment of senator for 6 years from the 4th of March next, was then taken up, and Theodore Frelinghysen elected—he having 35 votes, and Joseph W. Scott 24.

THE MORRIS CANAL.—This canal commences near Easton on the Delaware, and passing the flourishing town of Newark, terminates at Jersey City opposite New York. Its whole length is 100 miles and 64 chains, and the navigable feeder from the Hopatcong lake is 60 chains. It will have several inclined planes and 23 locks, the chief of which are finished, and the whole canal appears to need only a prompt aid to complete it. The entire amount expended on this work is \$777,923,71; and there are demands against the company for the sum of \$388,050,50, on amount of loans, notes in circulation &c., and the resources have an aggregate of \$572,032, 90. The canal is asserted to be capable of transporting 300,000 tons a year.

March, 1829.—The New Jersey manufacturing and banking company at Hoboken ceased its operations, and its bills sold at twenty cents on the dollar. In June the Paterson bank also stopped payment.

PENNSYLVANIA.

LIST OF GOVERNORS.

Names of the Governors, Deputies, and Presidents of Pennsylvania, and the Dates of their appointment to office, from the first settlement to the present time.

William Penn, Governor,	October,	1682
Thomas Lloyd, President,	August,	1684
John Blackwell, Deputy Governor,	December,	1688
John Blackwell, President,	February,	1690
Benjamin Fletcher, Governor,	April 26,	1693
William Markham, Deputy Governor,	June 3,	1693

William Penn, Governor,	December 3,	1699
Andrew Hamilton, Deputy Governor,	November 1,	1701
Edward Shippen, President,	February,	1703
John Evans, Deputy Governor,	February,	1704
Charles Gookin, Deputy Governor,	February,	1709
Sir William Keith, Deputy Governor,	March,	1717
Patrick Gordon, Deputy Governor,	June,	1726
James Logan, President,	June,	1736
George Thomas, Deputy Governor,	June,	1738
Anthony Palmer, President,	June,	1747
James Hamilton, Deputy Governor,	June,	1748
Robert H. Morris, Deputy Governor,	October,	1754
William Denny, Deputy Governor,	August 19,	1756
James Hamilton,	November 17,	1759
John Penn,	October 31,	1763
James Hamilton, President,	May 6,	1771
Richard Penn,	October 16,	1771
John Penn,	August,	1773
Thomas Wharton, President of Council,	March,	1777
Joseph Reed, " " "	October,	1778
William Moore, " " "	November,	1781
John Dickinson, " " "	November,	1782
Benjamin Franklin, " " "	October,	1785
Thomas Mifflin, " " "	October,	1788
Thomas M'Kean, Governor,	October,	1799
Simon Snyder, " " "	October,	1808
William Findlay, " " "	October,	1817
Joseph Hiester, " " "	October,	1820
J. Andrew Shultze, " " "	October,	1823
George Wolf, " " "	October,	1829

PENAL CODE.—While this state has been engaged in the prosecution of internal improvements, with the view of developing her resources, and giving a fresh and redoubled impulse to her industry and enterprise; and, by the construction of canals and rail roads, has been rendering contiguous, as it were, the most remote portions of her territory; making easy and expeditious the transportation of the most cumbersome articles, and the exportation of the surplus productions of her interior, and among other things, of immense quantities of iron and coal, furnishing an endless source of wealth to individuals, and revenue to the state; while, in fact, she has been applying her revenue with ardour and perseverance to accomplish those objects, which would bring into more active exercise the energies of her people, increase her commerce, and enable her to retain

her relative rank and importance in the confederacy; she has not been unmindful of the rights of the citizen, and of the security which should be extended to his person and his property. The increase of population, the introduction of luxury and of crime, have indicated in various sections of this country, the necessity of improving the criminal code, so as to render it more efficacious than it has been found in Europe, to prevent the commission of offences, and to reform the offenders. The legislature of Pennsylvania, sensible of the necessity of this reform, and fully impressed with the existing defects of the criminal code, and the imperfect discipline of their prisons, appointed in 1826, Charles Shaler, Edward King, and T. J. Wharton, to make a revision of the penal laws of the state, and also to submit such suggestions and observations on punishments and

prison discipline, as they should deem proper for the determination of the important subject with which they are charged. In December, 1827, the commissioners submitted to the governor of Pennsylvania, the results of their labours, in order that they might be laid before the legislature.

In their report upon punishments and prison discipline, a document containing a mass of information highly interesting to the legislator and philanthropist, they take a view of the principal varieties of punishments which have been inflicted in ancient or modern times, or suggested by political or philosophical writers, and arrange them under the following heads:

1. Capital punishments. 2. Mutilation. 3. Branding. 4. Whipping. 5. Banishment or transportation. 6. Simple imprisonment. 7. Imprisonment with labour, but without a separation of the prisoners. 8. Solitary confinement, without labour of any kind. 9. Solitary confinement, with labour performed in solitude. 10. Solitary confinement by night, with joint or classified labour by day. The commissioners remark, that the state of public opinion will not authorize them to suggest the application of capital punishment to any other offence, than that of wilful and malicious murder. This was the only instance in which it was allowed by the enlightened founder of Pennsylvania, in his great law, and the wisdom and humanity of the limitation, has been evinced not merely by the experience of his own, but also of succeeding generations. The three next species of punishment, they believe to be unproductive of any beneficial effects, and justly repudiated by every Christian and enlightened community.—The fifth kind of punishment they divide into simple exile, by which they mean the mere banishment of the offender, from the soil of the state whose laws he has violated, under some stipulation, or denunciation of severe punishment, in case of his return; second, into deportation, by

which is designated the compulsory removal of the offender to some distant place; there to be left without further care from the mother country; and thirdly into transportation, or the compulsory removal of offenders to some distant place, but still to remain subject to the penal discipline of the mother country. The committee express their disapprobation of those kinds of punishment. Of simple exile, because it was an act of injustice for one nation to turn out its convicts to prey upon other communities; of deportation, because it would be ineffectual as a punishment, as the criminals would frequently find opportunities to escape and to renew their depredations and outrages upon society; and of transportation, because it would subject the mother country to an enormous expense; an opinion sanctioned by the experience of the British government. From returns made to the British parliament, it appeared that from 1787 to 1820, twenty-five thousand eight hundred and seventy-eight convicts had been transported to New Holland. The cost of the transportation of each one is, as estimated, at £100 sterling, and the annual expense of his support at £40 sterling, or \$177.60 of our money. It also appeared from returns laid before parliament, that upwards of seventeen and a half millions of dollars had been expended upon the transportation of convicts to New-Holland, and their support there from 1786 to 1817 inclusive. The annual expense of the colony, is stated at £300,000 sterling, or \$1,332,000. It is also estimated by British writers, that one tenth of the sum expended upon the colony, would have supported the whole number of convicts at home, while something might have been gained by the treasury, from their labour, which was not obtained at New Holland. The committee also objected to transportation, because it failed in producing a reformation in the offender, it appearing from the above returns, that out of 4376 convicts. whose sentences had

been remitted, or whose time had expired, only 369 were considered respectable in conduct and character. The sixth species of punishment, that of simple imprisonment, the committee consider it necessary to make but a few observations upon, it being so obviously defective as a mode of punishment for convicts, that it had been abandoned in almost every part of Europe, where any attention had been paid to the subject of penal discipline. The seventh species of punishment, that of imprisonment with hard labour, but without classification or separation by day or night, was the earliest in the series of what are now usually called penitentiary punishments. Under this head, the committee mention the various kinds of discipline, which had been introduced at different periods, into the prisons of Pennsylvania. It appears that William Penn perceived the expediency of imposing labour as a means of punishment, and the earliest provisions of the laws required the employment of convicts "at hard labour in the house of correction," for a term of years corresponding with the enormity of the offence. In 1717, an alteration was made in the criminal code, in consequence, as it is stated, of the attachment of the English government to capital punishments, and the principal prison of Philadelphia is represented as a scene of profligacy and license, in which all sexes, ages, and colors were confounded without labour and without restraint. Immediately after the independence of the country, measures were taken to reform the penal code, and hard labour was again substituted in many cases, in lieu of the punishment of death. In 1786 an act was passed directing that certain crimes, which had before been capital, should for the future be punished with hard labour, publicly and disgracefully imposed. The convicts were accordingly employed about the most servile business.— Their heads were shaved; their dress was of a peculiar kind, indicative of their disgrace: their keepers were

armed with swords, blunderbusses and other weapons of destruction; and the prisoners were secured by cumbersome iron collars and chains, fixed to bomb-shells. And as late as 1788, the prison of Philadelphia presented the spectacle of the confinement of debtors with criminals; of honest poverty with the most enormous crimes, and the indiscriminate intercourse by day and night, of men and women. Such a system of prison discipline, was only productive of the most pernicious consequences. Offenders, instead of being reformed, became more hardened in sin, and reduced to a state of disgrace and degradation, from which they had little hopes of recovering. No sooner, however, were the effects of such discipline perceived, than measures were adopted to remedy them. In 1789, and the four successive years, acts were passed relating to them and the penitentiary discipline, which is that included under the 7th head, was established. Soon after the establishment of this discipline, but before full effect had been given to it, a great improvement was observed in the criminal calendars; but unfortunately it early exhibits a great contrast with its modern history. On the 3d of May, 1791, the number of convicts in the jail at Philadelphia, was 143, while on the third of December, 1792, the number was only 37. From 1787 to 1796 inclusive, the number of convicts, for all offences, were 990. During the next ten years from 1797 to 1807, the number of convictions for the same offences, was 1311. From 1807 to 1817, the number of convictions rose to 2612; and from 1817 to 1827, the convictions amounted to 3151. During the first ten or fifteen years after the introduction of the penitentiary discipline, the prison at Philadelphia was distinguished for order and decorum; but during the last ten or fifteen years it had presented an entirely different appearance. The committee account for this change in part, on the ground that the prisoners, during the first pe-

riod, were separated more during the night; but that during the latter period it became necessary, in consequence of the construction of the prisons and the increase of the convicts, to confine many in the same apartment, and thus affording them an opportunity to contaminate and corrupt each other.

Under the remaining divisions of punishments, the committee review the arguments in favour of and against solitary confinement without labour of any kind; of solitary confinement with labour, and of joint or classified labour, by day, and solitary confinement by night. One of the objections made to solitary confinement without labour is, that it will subject the state to a great expense. The penitentiary built at Pittsburgh, is provided with 190 cells, calculated exclusively for solitary confinement without labour; and cost \$165,846, and the annual interest on the same is \$9,950. The annual expense of supporting each prisoner is estimated at \$77.57, and the average number of prisoners at 90, making the whole cost of support \$6,930. These sums, added to \$2000 paid for salaries, will make the annual support of 90 convicts, cost the state \$18,880.

The whole probable cost of the penitentiary, building at Philadelphia, was estimated at \$450,000, and the annual interest on the same at \$27,000, and calculating the average number of convicts at 500, and the annual support of each one at \$60.28; the maintenance of the whole number of convicts, together with fuel, &c., will be \$30,000. The average of the annual salaries of the officers of the present prison, for the last three years, was \$10,500. These two sums, added to the interest on the cost of the prison, will amount to \$67,500, which, with the \$18,800, the annual expense of the Pittsburgh penitentiary, will make the whole annual expense to the state \$86,380. After making a thorough examination of these three kinds of punishments, and obtaining all the information in their power respecting them, either from the per-

sonal inspection, or from communication with the superintendents, of the best conducted prisons in other states, the committee express it to be their opinion, that the best kind of prison discipline is that of solitary confinement by night, together with joint, or classified labour by day; and recommend it to the legislature to give this system a trial.

The commissioners for the revision of the penal code, submit in their report, the draft of three original bills: 1st. An act to amend, revise, and consolidate the penal laws of the commonwealth.

2. An act regulating criminal procedure.

3. An act for the government and regulation of the penitentiaries. It was intended by the commissioners that the first act, should supersede the existing penal statutes, and supply those defects, which experience had shown to exist. They made no attempt to codify the law, because, in the first place, it did not seem to be contemplated by the resolutions under which they acted; and in the next place because they considered it inexpedient, and within any brief period of time, wholly impracticable. This inexpediency arose, in their opinions, from the fact, that there is a clearness, precision, and uniformity in the common law principles and adjudications relative to crimes, that no other part of that system can boast of. It is unnecessary to enumerate the various laws which were retained, or repealed, or the many new provisions which were made. In some instances the punishment of solitary confinement without labour, was directed to be inflicted; in other cases, imprisonment with hard labour was required, thus giving an opportunity to ascertain the advantages and disadvantages attending these different systems of prison discipline. Some important innovations was made in the common law. One related to the limitations of prosecutions, it being proposed that all suits, informations, and indictments for any crime or misdemeanor

murder and manslaughter excepted, shall be brought or exhibited within a limited time. Another innovation was that which relates to the competency of witnesses. It was proposed that no witness should be deemed and adjudged incompetent because he may have been convicted of an infamous crime, wilful and malicious perjury excepted; but that it should be allowed to prove such conviction, and it should be left with the judge or jury to decide what credit was to be attached to his testimony. That an individual should be considered an incompetent witness in a suit to which he is not a party, and in the event of which he can have no interest, and especially after he may have become totally reformed in principles and in conduct, appears to many absurd and unjust, and shakes their belief in the maxim that "the law is the perfection of reason;" and indeed, some may even consider the exception as to perjury inexpedient, and that it should only be allowed to affect the credit, rather than the competency of the witness.

This report became the subject of much controversy, after it was submitted to the legislature. That part of it relating to the classification of crimes was not acted upon. The other part of it, relating to penitentiary punishment, was discussed with some warmth in the house of representatives, and after much debate, a bill was passed, providing for the punishment of prisoners by solitary confinement, together with labour in solitary apartments. The recommendations of the report were not, therefore, fully carried into effect—great opposition being made to its principles in consequence of a large penitentiary having been just then established, on the principle of solitary confinement without labour. The whole subject is now brought to the test of experiment, and time only can determine as to the efficacy of the several modes of punishment.

INTERNAL IMPROVEMENTS.—In the last volume of the Register we gave an account of the progress of inter-

nal improvement in this state, from the year 1789 to the year 1827. We enumerated the various works which had been projected at different periods, and alluded to the embarrassments and difficulties which had retarded the execution, or produced the abandonment of some of them, and to the advancement, and the final and happy completion of others. It affords no ordinary degree of pleasure to be still able to say, that that desire of improving their inland navigation, and the communication of one part of the country with another, which pervaded the people of Pennsylvania, anterior to 1827, has neither subsided or been diminished since that time, but has induced them to appropriate money with a liberal hand, to accomplish the noble and stupendous objects about which they have been engaged, and which cannot fail of being productive of the most lasting benefits to the state. There was expended in this state, between 1791 and 1828, upon roads, bridges, and inland navigation, the sum of \$22,010,554.68, and works were in progress at the latter period, and which, it was calculated, would be completed in 1831, that would require, as was estimated, twelve millions more to finish them. Two millions of dollars were appropriated by the legislature, to be expended upon internal improvements during the year 1828, and two millions and two hundred thousand were appropriated for the year 1829. The canal commissioners estimated the expense of contracts claiming attention during 1829, at \$3,511,000, of which sum, however, \$700,000 would remain to be expended in 1830. Governor Shultze refused his assent to the canal and rail road bill as it was first passed by the legislature, in 1829, and returned it, assigning the reasons why he disapproved of it. He observed that the commonwealth might be considered as pledged to prosecute with energy the scheme of internal improvement; but that she looked to them, as her servants, for a judicious and economical application of her re-

sources. In making an appropriation they should not exceed the amount required by the largest expenditures of former years, and which would be required for the coming year, and thereby incur the payment of an unnecessary interest upon an unnecessary large principal. That the last season, which was particularly favourable to the construction of public works, did not require a sum far exceeding two millions, and that a sum not much exceeding it would probably be sufficient for the present year, and if they should deem it proper, so to modify the bill, as to make the loan two millions two hundred thousand dollars, it would afford him much pleasure to unite and co-operate with them. The bill was so modified, and the appropriation made, as proposed by the governor. In November, 1827, it was announced that Union canal, which, was to form the great link of communication between the Susquehannah and Philadelphia, was complete in all its parts, with the exception of planking on the summit, which was shortly after finished. In February, 1828, it appeared, from information given by the canal commissioners, that the following was the condition of the canals and rail roads in the state at that time :

1. From Pittsburgh up the Kiskeminetas to the Saltworks, to be finished in a month, except the aqueducts, distance, 55 miles.

2. From Saltworks to Blairsville, 30 miles, to be finished by the first of November.

3. From Middletown to the mouth of the Juniata, will be finished this season, 24 miles.

4. From the mouth of the Juniata, up the Juniata 45 miles, to Lewistown, will be navigable next summer.

5. From the mouth of the Juniata to Northumberland, 41 miles, will be navigable next summer.

6. From Bemis' mill, on French creek, to Conneaut outlet, 9 miles, nearly completed. The remainder of

the feeder to be contracted for as soon as possible, and urged rapidly to completion.

7. From Bristol, on the Delaware, to Taylor's ferry, 18 miles, the excavation is finished, with trifling exceptions.

8. From Taylor's ferry to New Hope, 7 miles is under contract, and to be completed by next spring. 25 miles on the north branch, including a feeder from Nanticoke falls, to be contracted for early in July.

At the next meeting of the commissioners, it was expected an order would be taken to put under contract the additional lines authorized by law on the Juniata, Conemaugh, Susquehannah and its branches, Delaware, and the Columbia rail road. As to the latter, no decision had been made upon its location. At the close of the next eighteen months, it was expected there would be in Pennsylvania more than 500 miles of canal, and a hundred and fifty of rail road. The following works were in progress in this state in 1829 :

OF CANALS.

From Tioga, or New York line, to Northumberland, distance 162 miles.

From Bald Eagle creek to Northumberland, 70 miles.

From Northumberland to the mouth of the Juniata river, 40 miles.

From Juniata to the mouth of the Swatara, 24 miles.

From Swatara to Columbia, 18 miles.

From Juniata to Frankstown, estimated at 133 miles.

From Johnstown to the mouth of the Kiskeminetas river, 76 miles.

From Kiskeminetas to Pittsburgh, 30 miles.

French creek feeder of 21 miles, 166 miles.

From Pittsburgh to Erie, by the Ohio, &c., to Conneaut lake, 167 miles.

From Easton to Bristol, 60 miles.

OF RAIL ROADS.

From Philadelphia to Columbia, on the Susquehannah. distance 84½ miles.

From Columbia to York, 15 miles.
From Franckstown to Johnstown,
41 miles.

The first rail road made in the state was that at Mauch Chunk. Its length is 9 miles, and extends along the side of a mountain, down an inclined plane of various declivities. The elevation of the coal mine at Mauch Chunk, above the Lehigh river, at the point where the coal is delivered into boats, is 936 feet. The road, as it approaches towards the river, and within half a mile of the mine, rises 46 feet, when it reaches its extreme point of elevation, which is 982 feet above the water, the distance from this point to the river is $8\frac{1}{2}$ miles. At the bank of the river there is an abrupt termination of the mountain, upon which is constructed an inclined plane, 700 feet long, with a declivity of 225 feet, below which there is still a further descent of 25 feet down a shute, through which coal is conveyed into boats on the water. The whole of the road, for the passage of wagons, including the plane, was completed in 2 months and 3 days from its commencement, and an expense, as was stated, of 2500 to 3000 dollars per mile.

SCHUYLKILL NAVIGATION COMPANY.—A dividend of 7 per cent. was declared on the 30th November, 1829, on the capital stock of this company, and the sum of \$3500, to which the state was entitled, was subsequently paid into the treasury. The following is a statement of the affairs of the company at that time :

Dr.	
To amount of capital stock,	\$1,083,808 00
Do. loans,	1,095,803 00
Do. of rents since 1st Jan. 1829,	7,414 98
Do. tolls, do.	109,984 33
Do. of real estate,	8,234 15
Do. of individuals,	678 00
Do. of reserved dividend fund,	55,130 99
	<u>\$2,361,053 99</u>

Cr.	
Amount of general charges, being the expenses of the improvements,	\$2,236,937 25
Do. current expenses and repairs since 1st January last,	41,785 06
Do. of interest account, since 1st January last,	39,979 24
Do. of damage account.	5,173 46

Do. of individual account,	611 04
Cash balance,	36,567 84
	<u>\$2,361,053 99</u>

There ascended and descended the Schuylkill Navigation, in 1828, the following articles :

Ascended.	Tons.	cwt.	qrs.
Merchandise,	6297	3	0
Salt fish,	2054	1	2
Salt,	473	4	0
Plaster,	6308	10	0
Bricks,	36	19	0
Iron,	352	7	2
Iron ore,	2267	10	0
Limestone,	2701	0	0
Virginia coal,	363	8	0
Buhr stones,	5	0	0
Marble,	40	16	2
Cement,	24	2	2
Grain, 2000 bushels,	50	4	2
Blooms,	270	10	0
Lumber,	82	11	0
Sundries,	292	1	2
Total,	21,329	9	0

Descended.	Tons.	cwt.	qrs.
Coal,	47,284	15	0
Flour, 66,835 barrels,	6365	6	0
Grain, 105,782 bushels,	2644	11	1
Whiskey,	1152	11	1
Iron,	1853	14	3
Oil,	29	15	0
Butter,	126	4	1
Flax-seed, 6430 bushels,	160	14	2
Leather,	84	2	3
Paper,	32	19	0
Lumber,	6795	4	0
Potash,	3	17	1
Hats,	10	8	0
Live hogs,	37	0	0
Limestone,	5358	0	0
Iron ore,	1674	0	0
Nails,	904	15	0
Sawed marble,	552	0	0
Cord wood,	1445	0	0
Stone,	6791	0	0
Blooms,	273	3	2
Lime,	83	0	0
Lead ore,	54	0	0
Ice,	32	0	0
Tallow,	8	0	0
Sundries,	377	12	0
Total,	84,133	13	2

The following is a statement of the amount of toll received on the canal, as appears by the report of the president and managers :

1825	\$15,775 74
1826	43,108 87
1827	58,149 74
1828	87,171 56
1829	129,039 11

COAL.—It is supposed that coal pervades one third of the state. It is estimated that the valley of Wyoming, that the Lackawana section which

is above the valley, and that another section below the valley, will yield 4,033,280,000 tons. If only one million of tons of this coal were removed per annum, it would require 4,033 years to exhaust the whole; and the rate of toll from Mont Carbon to Philadelphia being \$1.68 per ton, the toll on one million of tons on the Susquehanna Canal at that rate would amount to \$1,680,000. The Schuylkill Navigation Company, as appears from their report, received \$46,242 for tolls upon coal, during the year 1828, while the whole amount of tolls on all articles besides coal amounted to only \$40,960. There was imported in 1827 into Philadelphia 30,305 tons of the Lehigh, and 31,360 tons of the

Schuylkill coal. This coal at \$6 per ton would be worth \$369,990, and 34,004 tons of it were exported, and 320 vessels were employed in the coal business. In 1828, 77,395 tons of Lehigh and Schuylkill coal were imported into Philadelphia, which, at \$6 per ton, would be worth \$464,370; and during the same period there was exported 46,195 tons, which at \$6 per ton would be worth \$77,170, and 503 vessels were employed in the coal business. About 40,000 tons of coal were consumed in Philadelphia and other towns on the Delaware during the same time, and the whole amount of the anthracite coal business in Philadelphia and on the river for the year 1828 was estimated at \$520,560.

The following is a statement of the coal trade at the port of Philadelphia, during the last eight years :

Year.	Imported.		Anthracites.			
			Sent from mines.		Shipped.	Consumed in Philadelphia.
	Bushels.	Value.	Tons.	Value.		Tons.
1821	627,737	\$91,352	1,973	\$6,438	00,000	1,073
1822	970,829	137,790	2,440	14,649	73	2,367
1823	854,983	111,639	5,823	34,938	723	5,100
1824	762,276	101,929	9,541	57,246	3,255	6,286
1825	722,245	108,527	33,393	200,358	18,520	14,878
1826	9,700,111	45,262	48,047	238,282	24,365	23,682
1827	1,127,388	142,677	61,665	369,990	34,004	27,661
1828	906,200	104,282	77,395	464,370	46,195	31,200
1829	1,272,970	155,993	105,083	630,078	47,146	57,937

MANUFACTURES.—In Manayunk, a new village on the Schuylkill, near Philadelphia, there were in 1827 five cotton mills with 14,154 spindles, 210 power looms, and employing 525 hands; a grist mill, a mill for grinding and polishing saws, two mills for manufacturing wool for hats and beds, and carding and spinning worsteds, and a mill for grinding drugs and carding and spinning wool. The largest cotton mill, with 4500 spindles, 120 power looms, and 215 hands, makes 20,000 yards of cloth weekly. About six years before this period there was but one toll house in Manayunk, but now between two and three thousand inhabitants, and a large town daily increasing.

PITTSBURGH.—During the year 1827, fifty-four boats made 276 arrivals, and 284 departures at and from this place, and transporting 34,350

tons, consisting principally of goods manufactured in Pittsburgh and neighbourhood. The arrivals at and departure, from Pittsburgh, between the 1st of November, 1827, and the 1st of July, 1828, were 568, and whole tonnage was 33,890 tons.

PHILADELPHIA.—According to the annual report of the fire companies; the number of fires that occurred in the city and liberties of Philadelphia in 1828 was 29, and damage \$9500. In 1829 the number of fires was 38, and the amount of damage \$87,670. The whole number of active firemen in the city in June, 1829, was calculated at 1760, and the whole quantity of hose at 25,200 feet.

In October, 1828, B. W. Richards was elected mayor for the year ensuing.

From a census of the Philadelphia alms-house taken by an officer, there were in that institution in June, 1827,

865 paupers, viz: 424 males, and 441 females. Of the above number, 427 were natives of the state of Pennsylvania, and 362 were foreigners; and of the latter 280 were natives of the British dominions.

The following is a statement of the births and deaths in the city during the last ten years, as appears from the health office documents. It will be seen that there was *one* more death in 1829 than 1828; while there were 225 more births in 1828 than in 1829.

	BIRTHS.		DEATHS.	
	Males.	Females.	Total.	
1820				3374
1821	2630	2417	5047	3172
1822	3021	2701	5722	3591
1823	2977	2826	5813	4600
1824	3062	2701	5833	4399
1825	3444	3182	6626	3812
1826	3526	3214	6740	4151
1827	3581	3452	7033	3945
1828	3694	3506	7200	4292
1829	3638	3357	6995	4293

REAL PROPERTY.—The assessment of real estate in Philadelphia Proper, was in 1826, \$22,278,833; in 1829 it was \$24,202,786—being an increase in three years of \$1,923,955.

BANKS.—In the state there are 19 country and 10 city banks. The country banks have a capital of \$3,442,061.17, have notes in circulation to the amount of \$3,681,990.13, and have \$766,864.99 in specie. The city banks have a capital of \$6,721,610.00, have notes in circulation to the amount of \$2,504,575.61, and have \$968,541.11 in specie. Grand totals of capital \$10,163,671.17, of notes in circulation \$6,186,565.74, and of specie \$1,735,406.10.

STATE TREASURY.—The receipts at the treasury for the year commencing 1st December, 1827, and ending the 30th November, 1828, were \$3,129,470.09; the balance in the treasury 1st December, 1827, was \$167,897.89; which added to the amount received makes \$3,297,367.96. The expenditures during the same period were \$3,107,552.50, leaving a balance in the treasury on the 1st December, 1828, of \$189,815.46. Of the expenditures, the sum of \$2,611,967 was expended upon internal improvements. For the year commencing

1st December, 1828, and ending 30th November, 1829, the receipts and payments were as follows:

RECEIPTS.	
Lands and land office fees,	\$97,290 79
Auction commissions,	19,000 00
Auction duties,	140,518 75
Dividends on bank stock,	121,280 00
Dividends on bridge and turnpike stock,	19,640 00
Tax on bank dividends,	53,184 07
Tax on offices,	9,245 33
Fees, secretary of state's office,	1,779 23
Tavern licenses,	50,031 67
Duties on dealers in foreign merchandise,	62,607 92
State maps,	601 36
Collateral inheritances,	10,742 19½
Pamphlet laws,	55 46
Militia and exempt fines,	3,000 71
Tin pedlers' licenses,	210 00
Escheate,	74 24
Commissioners of the internal improvement fund,	200,000 00
Loans,	2,811,238 38
Old debts and miscellaneous,	9,738 38
	\$3,610,388 02½
Balance in the treasury 1st Dec. 1828,	189,815 46½
	\$3,800,153 49

PAYMENTS.	
Internal improvements,	\$3,049,893 01
Expenses of government,	218,393 85
Militia expenses,	17,738 22
Pensions and gratuities,	27,800 32
Education,	16,702 48
Interest on loans,	91,725 00
Internal improvement fund,	168,787 18
Pennsylvania claimants,	978 92
State maps,	542 27
Penitentiary at Philadelphia,	6,000 00
Penitentiary near Pittsburgh,	5,466 25
Conveying convicts,	411 27
Conveying fugitives,	287 58
House of refuge,	2,500 00
Miscellaneous,	17,550 16
	\$3,624,777 51
Balance in the treasury 1st Dec. 1829,	175,375 98
	\$3,800,153 49

The Register of Pennsylvania has a table of the expenses of the government for that state, from 1791 to 1829. In 1791, they amounted to \$69,000; in 1792, to \$80,000; and in 1793, to \$110,000. They averaged from that year to 1818, about \$150,000 yearly. In 1819, the amount was \$194,000, but fell considerably below that sum in the subsequent years, until 1827, when they rose to \$202,000. The last year's expenses were \$218,000.

TAXABLES.—Reports of the taxable inhabitants, deaf and dumb, and

slaves, in this state, for 1821 and 1828, give the following results :

	<i>Tazables.</i>	<i>D. & D'b.</i>	<i>Slaves.</i>
1821	208,439	485	224
1828	253,574	464	148

MILITIA.—The militia of this state consisted in February, 1828, according to the latest returns recieved at the department of war, of 167,775 men.

EDUCATION.—In 1827 there were 9,014 scholars instructed at the public charge and at the expense of \$25,637.36, in thirty one counties, from which returns had been made. In 1828, 4,477 were instructed, and at an expense of \$15,067.99. From the report of the directors of the Pennsylvania. institution for the deaf and dumb, it appears that twenty-seven pupils were received into the asylum, and eighteen discharged from it, during the year 1829. At the time of the report, there were seventy-nine pupils in the institution, of whom 43 were males, and 36 females. Of the whole number, thirty-four were from Pennsylvania, and supported by the funds of the state; fourteen were from Maryland, and six from New Jersey, on the several foundations of those states. Eleven of the pupils were dependent in whole or in part upon the private charitable funds of the institution, arising from individual subscriptions and donations, and the remaining fourteen were maintained by their friends.

CONVENTIONS.—A convention on the subject of domestic manufactures was held at Harrisburgh, July 30th, 1828, composed of delegates from Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New York, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia. Joseph Ritner, Esq. of Pa. was appointed president, and Jesse Buel, Esq. of New York, and Frisby Tilghman, Esq. of Maryland, were appointed vice presidents; William Halstead, jr. of New Jersey, and Redwood Fisher, of Pa. were elected secretaries. Resolutions were passed expressive of the sense of the convention, and measures were de-

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vised to effect the object for which they had assembled. The convention adjourned on the 3d day of August, 1827.

January 4th, 1828.—A convention was held at Harrisburg, composed of delegates from 43 out of 51 counties in the state, for the purpose of nominating candidates for the office of president and vice president of the United States. John Quincy Adams, of Massachusetts, was nominated for the first office, and Richard Rush, of Pennsylvania, for the latter. Electors of the president and vice president were nominated, committees of vigilance were appointed, and an address to the people was agreed upon.

January 8th, 1828.—The Jackson convention assembled at Harrisburgh, 132 members appeared representing every county in the state. General Andrew Jackson, of Tennessee, was nominated as a candidate for the office of president, and John C. Calhoun, of South Carolina, for the office of vice-president of the United States. An electoral ticket was adopted, a committee was appointed to prepare an address to the citizens of Pennsylvania, and other measures were taken to secure the election of their candidates.

November, 1828.—The election of electors took place in Pennsylvania, and the Jackson ticket received 101,652 votes, and the Adams ticket 50,848 votes.

LEGISLATURE.—A resolution was passed by the legislature, almost unanimously requesting their delegates in congress to obtain the passage of an act for the encouragement of domestic industry, and embracing the items recommended by the convention at Harrisburgh in July previous.

On the 11th of January, 1828, the legislature passed resolutions of similar import and of the following tenor :

Be it resolved by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, That the senators of this state, in the senate of the United States, be and they are hereby in-
16*

structed, and the representatives of this state, in congress, be and they are hereby requested, to procure, if practicable, the establishment of such a tariff as will afford additional protection to our domestic manufactures, especially of woollen and fine cotton goods, glass, and such articles as in their opinion, require the attention of congress, so as to enable our citizens fairly to compete with foreign enterprise, capital, and experience, and give encouragement to the citizens of the grain growing states, by laying an additional duty upon the importation of foreign spirits, flax, china ware, hemp, wool, and bar iron.

And be it further resolved, That the governor be, and he is hereby requested to transmit a copy of the foregoing preamble and resolution to each of our senators and representatives in congress.

January, 1829.—A resolution was passed requesting the senators from Pennsylvania to produce the passage of a law to abolish slavery in the district of Columbia, in such a manner as they may consider consistent with the rights of individuals and the constitution of the United States.

The legislature, in *January, 1829*, is said to have consisted of gentlemen of the following professions, viz. 46 farmers, 17 mechanics, 15 lawyers, 4 doctors, 8 merchants, 2 printers, 3 inn-keepers, 4 surveyors, and one private gentleman, in the house of representatives; and in the senate, there were 17 farmers, 1 surveyor, 2 doctors, 1 iron master, 1 inn-keeper, 7 lawyers, 1 private gentleman, 2 merchants, and 1 mechanic.

PENNSYLVANIA HOSPITAL.—The expenditures of this institution during the year ending April 25th, 1829, were \$35,109.17, and the receipts during

the same time were \$45,164.12. The number of patients admitted into the hospital during the last ten years, were 9,250. Of these, 4,600 were poor patients. The whole number of deaths 634. On the 26th of April, 1828, there were 114 pay patients, and 95 poor patients in the house, during the year; 492 pay patients, and 661 poor were admitted, and 500 pay patients and 600 poor were discharged, leaving in the institution, on the 25th April, 1829, 106 pay patients, and 105 poor. Of 1362 patients, 694 were discharged cured, 128 relieved, 96 removed by friends, or at their own request, 9 discharged for bad conduct, 11 eloped, 95 died, and 211 remain. Of the 1362 patients, 820 were natives of the United States, 374 of Ireland, 71 of England, and the remaining of 18 other countries.

March 6th, 1829.—At half past 9 o'clock, A. M., the convention at Harrisburgh, for the purpose of nominating a candidate for the office of governor, proceeded to their 13th ballot. At this ballot Mr. Wolf received 57 votes, Mr. Barnard 57, and Mr. Stephen 17: 14th ballot, Mr. Wolf received 65 votes, Mr. Barnard 62, and Mr. Stephenson 5: 15th ballot, Mr. Wolf received 70 votes, Mr. Barnard 62, and Mr. Wolf having a majority of the votes was declared duly chosen as the democratic candidate for the office of governor.

June 25th, 1829.—An anti-masonic convention was held at Harrisburgh, composed of delegates from 13 counties. Joseph Ritner, Esq. was unanimously nominated for governor in opposition to G. Wolf, Esq.

October, 1829.—The election took place, and Mr. Wolf was elected by a large majority.

DELAWARE.

Jan. 1828.—The house of representatives of *Delaware*, being "equally divided on the presidential question," could not elect a speaker. They balloted from Jan'y 1st to the 5th, 10 against 10, and then broke up informally, *sine die*. The absent member, who was sick, addressed a letter to the tellers, declaring his attachment to the present administration, and stating that he would vote for Dr. Morris, the administration candidate for speaker.

October.—The election of the representatives in congress took place on the 7th inst., and resulted in the choice of Mr. Johns, a friend of Mr. Adams. The majorities were

	Johns' maj.	Bayard's maj.
Newcastle co.		325
Kent	294	
Sussex	450	

—
744

Majority 419 in favour of Mr. Johns.

November, 1828.—The legislature of the state met at Dover the 17th November. All the members of the legislature, thirty, were present.—Presby Spruence, Esq. was elected speaker of the senate, and Dr. William Winder Morris elected speaker of the house of representatives. The same day both houses convened in the senate chamber—the presiding officers of both houses officiating, to proceed to elect three electors of president and vice president of the United States, when David Hazard, Esq. of Sussex, Dr. John Adams, of Kent, and James Canby, Esq. of Newcastle, the candidates of the administration party, were chosen.—These gentlemen had each of them nineteen votes, and the Jackson candidates had each eleven votes.

CANAL.—The Chesapeake and Delaware canal which was commenced in 1829, commences at Delaware city, about 46 miles below Philadelphia, and crosses the peninsula in the states of Delaware and Mary-

land, in a direction nearly west, and enters Back creek, a navigable stream, which runs into Elk river, a large branch or arm of Chesapeake bay.

It is calculated for the navigation of sea vessels of a draught not exceeding ten feet. Its length is $13\frac{1}{2}$ miles. Its breadth at top, is 60 feet, and at bottom 40 feet. Its highest level is 8 feet above tide water, and its locks are 100 feet long and 22 feet wide. The cost of the canal exceeds two millions, and the government of the United States have subscribed \$450,000; the state of Pennsylvania, 100,000 dollars; Maryland \$50,000, and Delaware, \$25,000, towards its erection.

VALUE OF LANDS.—In New Castle county, the lots and houses are assessed separately. The highest rate is \$44.04 per acre, in Christiana hundred, which has the most manufacturing establishments, and the lowest is \$7.04; in Appoquinimink, which has few or no manufacturing establishments; all the other hundreds approach or retire from the highest value in proportion to their manufacturing industry. The whole valuation of lands, lots, and houses, in this county, is \$8,086,932; of this sum 2,710,000 is in Christiana hundreds.

January, 1829.—John M. Clayton was elected senator of the United States, from the 3d of March following, in the place of Mr. Ridgely, whose term of service then expired. The vote, in joint ballot of the two branches of the Assembly, was, for Mr. Clayton 19, and for Mr. Ridgely 10 votes.

February, 1829.—A law was passed by the legislature, altering the mode of choosing electors, and directing them to be chosen by general ticket.

HORRIBLE DEVELOPMENT.—At the court of quarterly sessions, held in May, 1829, in Sussex county, the grand jury found three indictments against Patty Cannon, for murder,

and one against each of the brothers, Joe Johnson and Ebenezer Johnson, for the same crime. It appears that, in the latter part of March or fore part of April, 1829, a tenant who lives on the farm where Patty Cannon and her son-in-law, Joseph Johnson, a celebrated negro trader, lived for many years in the northwest fork, near the Maryland line, was ploughing in the field, in a place generally covered with water, when his horse sunk in a grave, and on digging, he found a blue painted chest, in which were found some human bones. The news immediately spread through the country, and the people who visited the place, concluded that they must be the bones of a negro-trader from Georgia, named Bell or Miller, or perhaps both, who disappeared suddenly ten or twelve years before, and who were probably murdered by Johnson and his gang. On the 2d of April, one of Johnson's accomplices, named Cyrus James, was caught and brought before a justice, and on his examination, stated that Joseph Johnson, Ebenezer F. Johnson, and old Patty Cannon, had shot the man while at supper in her house, and he saw them engaged in carrying him away in the chest. He also stated that many others had been killed, and that he could point out where they were buried. On proceeding to the places designated, and digging, they found the bones of a young child, the mother of which he stated was a negro woman, who belonged to Patty Cannon, but the child being a mulatto, Patty killed it, because she supposed its father to be one of her own family. In another place a few feet distant, two boxes were found containing human bones. The bones in one of the boxes, were those of a child about seven years of age, which James said he saw Patty knock in the head with a billet of wood; and the bones in the other box, were those of a child killed because it was bad property, being free born. The place where these horrid events occurred, is on the borders of Delaware and Maryland, and has been

long frequented by persons engaged in negro-stealing and negro-trading.

1827.—FINANCES.—Estimate of the funds of this state.

Bank stock,	\$69,950 00
Debts due the state,	1,719 82½
Balance in treasurer's hands,	2,122 68½
School fund:	
Stocks,	154,114 00
College fund:	
Stocks,	1,300 00
Balance in hands of trustee,	192 74
	<hr/>
	\$229,399 25

Present value of stocks, &c., belonging to the state,	67,417 51
Do. of the school fund,	144,721 09
Do. of the college fund,	1,362 74
	<hr/>

January 4, 1828, \$213,501 34

1828. State of the finances:	
Present value of stocks, &c., belonging to the state,	\$63,575 00
Do. of the school fund,	151,643 42
Do. of the college fund,	1,420 36
	<hr/>

January 14, 1829, \$216 648 78

COMMON SCHOOL FUND.—The original act to create a fund for this purpose, appropriated for it the money arising from marriage and tavern licenses, from which alone, (with the exception of a very small sum, derived from other sources,) the present school fund has been accumulated. Thirty-two years have elapsed since the act went into operation, and the amount of that fund may be now nominally estimated at \$168,773.40. During a period of ten years, commencing with the first day of January, 1819, and ending with the first day of January, 1829, the number of marriage licenses dispensed in the state was 4,210. The yearly revenue flowing from this source amounted to the sum of \$842. The number of tavern licenses dispensed during a period of ten years, was 1,137, yielding a yearly revenue of \$1,368.

Estimate of Annual Income.

Annual dividend on 2439 shares of stock in the Farmers' Bank of the state of Delaware, or \$121,950, at 5 per cent.	\$6,097 50
Do. do. on 37 shares of stock in the Bank of Delaware, at \$20 per share,	740 00
Do. do. on 32 shares of stock in the Bank of the United States, at \$6.50 per share,	208 00

Proceeds of marriage and tavern licenses,	2,210 00
	<hr/>
	\$9,255 50

Showing an annual income for the purposes of education, of \$9,255.50,

without taking into the estimate the sum of \$25,000 in stock of the Chesapeake and Delaware canal company, and which is at present unproductive, or the uninvested balance of \$6,401.40 in the hands of the trustee.

MARYLAND.

TOBACCO.—The following is an abstract of the exports of 1827, crop of 1826, sales in Europe in 1827, and the whole stock on hand 1st January, 1828:

To Amsterdam.	Rotterdam.	Bremen.
From Baltimore, hds. 4602	6967	8157
District of Columbia, 6096	1527	3655

Also, from Baltimore 508 hhds. to Hamburg, 138 to Stockholm, 259 to London, and 120 to Bordeaux; and from the District of Columbia, 1868 to Cowes and a market, and 854 to Havre. Total from Baltimore 20,751 hhds.; from the district of Columbia 14,000—together 34,751; exclusive of 870 from Baltimore, and 150 from the District, sent to other ports, and thence forwarded to Europe—whole export in 1827, 35,771 hhds.

There remained on hand on the 1st January, 1828,

In the warehouses at Baltimore, hhds.	6,761
on the Potomac,	2,300
Patuxent, &c.	700
	<hr/>
	9,761

Export as above,

35,771

There was on hand, 1st Jan. 1827,

45,532
14,011

Whole crop of Maryland and Ohio tobacco of 1826,

31,521

To wit, 24,021 Maryland, and 7500 in Ohio.

The stock on hand is given as follows—1st Jan. 1828:

At Baltimore, &c.	9,761
Amsterdam,	7,966
Rotterdam,	5,647
Bremen, and on the way,	5,408
London,	600
Hamburg,	400
All other places,	900
Add estimated crops of 1827,	38,000

Whole amount on hand,

68,682

The whole quantity sold in Europe in 1827, was as follows:

In Amsterdam,	10,507
Rotterdam,	8,426
Bremen,	9,700
All other,	2,500

30,833

1828.—LEGISLATURE.—The annual session of the legislature commenced on the 1st of January.

In the senate, ten members appeared. Before the senate adjourned, a letter was received from the Hon. Edward Lloyd, announcing his indisposition, and his resignation of the presidency of the senate. When the senate met, on Tuesday, Gen. William H. Marriott was chosen president.

In the house, on Monday, seventy-five delegates appeared, and were qualified. Five members were absent. On Tuesday the house proceeded to the election of speaker, when Mr. J. G. Chapman, of Charles county, was nominated by the friends of the administration, and Mr. F. Thomas, of Frederick, by the friends of Gen. Jackson. The result of the ballot was the election of Mr. Chapman; he received 41 votes, and Mr. Thomas 35 votes.

THE VINE.—A company has been formed at Baltimore for the cultivation of the vine—Gen. Wm. M'Donald, president, Dr. C. S. Monkur, secretary, with directors and a treasurer, pursuant to an act of incorporation by the legislature of Maryland—shares at \$10 each, capital 3,000, with the privilege of increasing it to 12,000. The object is to establish an experimental vineyard, &c.

February.—DEAF AND DUMB.—The general assembly of Maryland unanimously passed an act appropriating 3,500 dollars annually, for the education of the deaf and dumb of the state—not to exceed 160 dollars a year to each person.

April.—RAIL ROAD.—The house of delegates of this state, on the 28th ult., passed an act to subscribe for 5000 shares of stock in the Baltimore and Ohio rail road company, reserving

the right to subscribe for as many more at any time before the close of the next session of the legislature. It passed 45 to 23.

November.—The following is a correct return of majorities in the several electoral districts of Maryland for electors of president and vice-president:

	Adams. Jackson.	
1st. In St. Mary's, Charles, & Culvert—Mr. Brawner,	930	
2d. Prince George and Montgomery—Mr. Forrest,	443	
3d. Frederick, Washington, and Alleghany—Messrs. Tyler and Fitzhugh,	60 & 63	
4th. City of Baltimore and Anne Arundel—Messrs. Howard and Sellman,	815 & 314	
5th. Baltimore county—Mr. Brown,	1340	
6th. Harford and Cecil—Mr. Sewall,	29	
7th. Kent and Queen Anne—Mr. Emory,	86	
8th. Talbot and Caroline—Mr. Loockerman,	501	
9th. Somerset and Worcester—Mr. Dennis,	682	
	2677	1715
	1715	
	962	

January 1st, 1829.—The legislature commenced its session, 66 members having appeared in the house of delegates, and 10 in the senate, Gen. Wm. H. Marriott was chosen president of the senate, and John G. Chapman, Esq. was elected speaker of the house, and Gideon Pearce clerk.

January 5th.—The term for which Governor Kent is constitutionally eligible having expired, the legislature of the state proceeded, to the election of a governor for the year ensuing. Daniel Martin, of Talbot county, and George E. Mitchell, of Cecil county, were put in nomination. On counting the ballots, it appeared that 90 votes were taken, of which 52 were for Mr. Martin, and 38 for Col. Mitchell: whereupon, it was declared in both houses that Daniel Martin was duly elected governor of Maryland for the ensuing constitutional period.

SCHOOLS.—Provision has been made for the establishment of primary schools throughout the state. There are 8 or 10 academies in the state which receive from \$400 to \$600 an-

nually from the state treasury. The grant of the state, for colleges, academies, and schools, for the year 1829, amounted to \$13,000.

BANKS.—There are twelve banks in the state with a capital of \$10,450,000. Of these banks, eight are in Baltimore, and have a capital of \$8,200,000.

FINANCES.—Abstract from the annual report of the treasurer of the Western shore to the legislature of Maryland.

Receipts for the year ending 1st December, 1828.

Branches of Revenue.	Whole amount received	
	in 1828.	
Amerciaments,	\$397	86
Auction duties,	2,309	17
Auctioneers' licenses,	3,450	00
Bank stock,	30,050	84
Billiard table licenses,	830	17
Direct taxes,	2,789	46
The Eastern shore treasury,	18,234	07
Fines and forfeitures,	1,629	09
Funded 3 per cent. stock,	10,053	08
Hawkers and pedlers' licenses,	427	98
Interest (on personal accounts)	1,110	50
Land office account,	3,814	92
Licenses to dealers in lottery tickets,	1,102	53
Licenses to retail dry goods,	4,512	15
Licenses to retail spirituous liquors,	4,583	28
at horse races,	62	07
Licenses to vend by wholesale,	47	50
Marriage licenses,	4,364	18
Ordinary licenses,	15,797	39
The penitentiary,	2,522	36
Road stock,	615	00
State lotteries,	3,500	00
State tobacco inspection in Baltimore,	27,275	22
The state's wharves in Baltimore,	487	84
Tax on plaintiffs,	1,318	61
Taxes in chancery,	934	78
Traders' licenses,	12,375	80
The Union Manufacturing Company of Maryland,	400	00
The university of Maryland,	1,553	58
Victuallers' licenses,	241	95
	\$155,872 36	
Of this sum there had accrued prior to the year 1828,	243,44	95
Accrued during the year 1828,	132,421	36
To which add the receipts on the following accounts, viz.		
Costs of suit,	63	67
Loan of 1823,	30,000	00
The public building,	100	62
Rail road 5 per cent. stock,	25,000	00
The Union Bank of Maryland,	10,000	00
	\$221,036 65	
Balance in the Western shore treasury, 1st December, 1827,	76,291	39
	\$297,328 04	

Of the above there was received in- to the Eastern shore treasury dur- ing the said period :	
Of revenue accrued previous to the year 1823,	10,104 16
Of revenue accrued during the year 1823,	7,265 06
	<hr/> \$17,369 22

**Expenditures in the year ending 1st
December, 1828.**

On the Western shore, and on the following accounts, viz.	
The Baltimore and Ohio Rail Road Company,	25,000 00
The board of public works,	279 68
Chancery records,	2,398 10
Civil officers,	14,448 s8
Colleges, academies, and schools,	12,999 98
The colonization society,	1,000 00
Commission,	315 03
The executive contingent,	3,375 28
Indian annuities,	107 50
Internal improvement sinking fund,	615 00
The judiciary,	35,705 66
The legislature,	43,303 35
The library,	200 00
Loans of 1827-28—for interest,	4,497 17
The militia,	2,647 92
Miscellaneous account,	6,256 96
The penitentiary,	12,295 00
Penitentiary 5 per cent. stock of 1822,	1,397 20
Pensions—to officers and soldiers,	15,370 89
The public buildings at the seat of government,	2,621 94
State tobacco inspection in Baltimore,	7,225 00
The state's tobacco warehouses in Baltimore,	61,692 81
University 5 per cent. stock of 1822,	1,500 00
The university sinking fund,	500 00
The Washington monument,	14,249 36
	<hr/> \$207,062 31
Balance in the Western shore trea- sury, 1st December, 1828,	30,325 73
	<hr/> \$297,328 04

On the Eastern shore, and on the following accounts, viz.	
Civil officers,	\$1,040 49
Commission,	256 28
The judiciary,	442 00
Miscellaneous account,	94 01
Pensions,	40 00
	<hr/> \$1,872 78
Payment into the Western shore trea- sury, 7th June, 1828, (being part of its receipts,)	6,885 88
Balance in the Eastern shore treas- ury, 1st December, 1828,	8,610 56
	<hr/> \$17,369 22
The amount of the productive ca- pital of the state is	\$935,601 50
Unproductive capital,	264,373 09
	<hr/>
Total,	<hr/> \$1,199,974 59

BALTIMORE AND OHIO RAIL ROAD.
—The foundation stone of this road
was laid on the 4th of July, 1828, in

the midst of an immense concourse of
spectators. Mr. John B. Morris de-
livered an address, and after that was
concluded the deputation of the black-
smiths' association, advancing, pre-
sented Mr. Carroll the pick, spade,
stone-hammer, and trowel, prepared
for the occasion; and, after making
an appropriate address, the deputa-
tion from the stone cutters came for-
ward, and the car, containing the
foundation stone, was driven to the
spot. While the stone was prepar-
ing, Mr. Carroll, accompanied by the
grand marshal of the day, and Mr.
John B. Morris, and bearing in his
hand the spade just presented, de-
scended from the pavilion, and ad-
vanced to the spot selected for the
reception of the foundation stone, in
order to strike the spade into the
ground. He walked with a firm step,
and used the instrument with a steady
hand.

The stone contained the following
inscription :

THIS STONE,
Presented by the **STONE CUTTERS** of Baltimore,
In commemoration of the commencement of
the **BALTIMORE AND OHIO RAIL ROAD,**
was here placed on the 4th of July, 1828, by the
GRAND LODGE OF MARYLAND,
assisted by **CHARLES CARROLL OF CARROLLTON,**
the last surviving signer
OF THE DECLARATION OF AMERICAN INDEPEN-
DENCE,
and under the direction of the president and di-
rectors OF THE RAIL ROAD COMPANY.

On each side of the stone was this
inscription :

FIRST STONE
Of the Baltimore and Ohio rail road.

In a cavity of the stone was depo-
sited a glass cylinder, hermetically
sealed, containing a copy of the
charter of the company, as granted
and confirmed by the states of Mary-
land, Virginia, and Pennsylvania,—
and the newspapers of the day, to-
gether with a scroll, containing a
history of the progress of the work ;
of the time when it was first agitated ;
of its receiving its charters of incor-
poration ; of the engineers who sur-
veyed the route ; of the stock being
subscribed for, and of the gentlemen
under whose management the founda-
tion stone was laid. After the stone

was laid, the deputation of hatters presented a beautiful beaver hat to Mr. Carroll, and another, of like beauty, to General Smith. A coat, made on the way, was also presented to Mr. Carroll by the weavers and tailors; and also the engineer's report, elegantly bound, was presented to him by the bookbinders. The ceremonies on the ground were concluded about twelve o'clock, and the day was closed with the utmost harmony and quiet.

CENTENARY CELEBRATION.—The 8th of August, 1829, being the centenary anniversary of the passage of an act, which passed on the 8th of August, 1729, entitled "an act for erecting a town the north side of Patapsco, in Baltimore county, and for laying out into lots, 60 acres of land, in and about the place where one John Fleming now lives," and which day, the citizens of Baltimore had determined to celebrate; it was embraced by the directors of the Baltimore and Susquehannah rail-road company as a proper occasion to lay the corner stone of the great work which they had engaged in.

The ceremonies of the day were commenced by an assemblage of the citizens, at 7 o'clock, in Monument square, where seats, in front of the court house, had been provided for the revolutionary soldiers, governor, and other officers of the state, city, navy, army, and foreigners of distinction, sheltered by a canopy, decorated in the most tasteful manner.

George Winchester, esq. the president of the company, delivered an address, explanatory of its objects and views; and having concluded, *Col. William Steuart*, the deputy grand master, in the presence of the masonic brethren, and the thousands assembled to witness it, performed the ceremony of laying the stone.

On one side of the inscription plate were engraved these words:

IN COMMEMORATION OF
the commencement of the
*Baltimore and Susquehannah rail road, this
stone was placed,*
ON THE 8TH DAY OF AUGUST, A. D. 1829,

By the Grand Lodge of Maryland.
Under the direction of the president and directors of the rail road company, being the first
HUNDRETH ANNIVERSARY OF

BALTIMORE;

Which was laid out under an act of the assembly of the province of Maryland,
Passed on the 8th day of August, A. D. 1729.

And on the other side were inscribed the following:

IN THE 54TH YEAR OF THE
Independence of the United States.
Andrew Jackson, president of the U. S.
Daniel Martin, governor of Maryland.
Jacob Small, mayor of the city of Baltimore.
George Winchester, president of the rail road company.

BALTIMORE—BILL OF MORTALITY.—The deaths in Baltimore during the year 1828, were 1702; of whom 100 were slaves, and 340 free coloured persons. Of the following ages—still born 99; under 1 year 435; between 1 and 2, 134; 2 and 5, 149; 5 and 10, 53; 10 and 21, 87; 21 and 30, 152; 30 and 40, 156; 40 and 50, 155; 50 and 60, 106; 60 and 70, 83; 70 and 80, 51; 80 and 90, 40; 90 and 100, 7—Above 100, 4.

Some of the principal diseases were—consumption 295, cholera infantum 110, convulsions 68, casualty 24, croup 34, dropsy 43, do. in the head 33, drowned 27, dysentery 20, fever catarrhal 26, bilious 70, typhus 21, liver complaint 28, marasmus 27, old age 93, palsy 20, still born 90, sudden 30, whooping cough 40; all else, so far as known, under 20.

TREASURY.—The whole receipts into the city treasury for the last year, including a balance from the last of \$7,764.09, was \$196,248.68—chiefly from direct taxes upon property—though the duties on auctions produced \$25,970, tonnage about 10,000, tax on ordinaries 7,000, licenses in general 8,600, &c. The receipts are balanced by the expenditures, except \$16,918.32 remaining in the treasury; some of the chief items were—watching and lighting the city \$25,888; deepening and preserving the harbour \$29,395; interest on city debt \$19,895; rail road stock, \$5,000, &c.

CLAIMS.—The committee of claims of the house of representatives have

admitted the sum of \$7,434.50, as being due to the city of Baltimore for expenses incurred in the late war, still rejecting \$7,782.54—the whole sum claimed as yet due being \$15,159.09. And the committee on commerce of the same house, allowed the sum of \$31,143.39 as being still due to the owners of the vessels that were sunk for the protection of our city, when about to be attacked by the enemy.

BALTIMORE INSPECTIONS.—*City register's office, 10th July, 1828.*—Amount of inspections in the city of Baltimore, exclusive of those returned to the state during the last quarter, ending 1st, viz :

117,399 bls. and 5,302 half bls. wheat flour.

467 do. rye flour.

3429 do. corn meal.

1135 kegs butter, and 2156 kegs of lard.

181 hhds. flaxseed, rough.

1460 bls. raw turpentine.

786 do. foreign packed pork.

152 do. and 2 half bls. do. do. beef.

205 do. and 28 do. Balt. do. do.

BALTIMORE FIREMEN, &c.—A communication in the Gazette contains the following statement :

There are in our city, 14 engine and hose companies, employing 27 engines, of the following sizes, viz. 1 of 9½ inch chambers, 1 of 8½ inch, 2 of 8 inch, 4 of 7½ inch, 4 of 7 inch, 12 of 6 inch, and 3 of 5 inch—there are in the possession of these companies, 18,000 feet of hose, prepared for instant operation, and 1300 active and efficient members.

VIRGINIA.

December, 1827.—The legislature of this state convened on the third instant, at Richmond. Mr. Holt was re-elected speaker of the senate, and Mr. Banks speaker of the house of representatives, without opposition.

January, 1828.—On the 8th inst., a convention assembled at Richmond, friendly to the re-election of John Q. Adams, as president of the United States. About 200 members answered to their names. Judge Francis T. Brooke, president of the court of appeals, was appointed president, and John H. Pleasants, editor of the Whig, appointed secretary. An electoral ticket was agreed upon, and a committee was appointed to prepare an address for the people.

On the 14th inst. the "Virginia legislative convention" re-assembled—14 members of the senate, 157 members of the house of delegates, and 22 special deputies were present—Mr. Banks in the chair, and Mr. Ritchie, secretary—from 96 counties, out of the 105 of the state, and 4 boroughs. It was unanimously resolved to support Andrew Jackson, of Tennessee, for president; and 162

being in favour of Mr. Calhoun, for the vice-presidency, against 26 opposed to him, it was resolved that he should be supported as vice-president. On the 15th inst. an electoral ticket was reported and agreed to.

February.—On the 8th of this month governor Giles made a communication to the house of delegates, which was referred to a select committee, and from which the following extract is made.

Executive department, Feb. 8, 1828.

SIR.—In compliance with the resolutions of the legislatures of South Carolina and Georgia, I now do myself the honour of laying before the general assembly, the proceedings of each of the legislatures of those states, upon the subject of the tariff, internal improvements, and the American colonization society.

Whilst I sincerely lament the unwise, unjust, and ill-fated measures, which have given rise to these proceedings, I fully concur in the principles and doctrines therein asserted, and demonstrated; as well as in their anticipation of the fatal consequences to the union of these states, in the

event of a perseverance in the deprecated measures on the part of the general government. Believing that a laudable spirit of inquiry is just awakened by the pressure of intolerable burthens, especially upon the great staple productions of agriculture, and above all upon the production of wheat; and that the time is now arrived, when every American citizen ought to be informed of the true character and destructive operations of those unauthorized measures, as well as in regard to their unjust and oppressive sectional bearings, as in regard to their destructive influence upon the great principle of American liberty, secured to the American people in written constitutions; I take pleasure in submitting those vitally interesting subjects to the general assembly, and I most respectfully ask for their most profound consideration.

March.—The Legislature of Virginia adjourned on the 8th instant, after a session of precisely three calendar months, and passing more than 150 acts, chiefly of a local or personal description. No decision was had upon any leading question arising out of Governor Giles's message, or the resolutions of the legislatures of other states, which accompanied it. It is stated that the expenses of the legislature of Virginia, for the session, amounted to about 110,000 dollars, or more than a fifth part of the whole revenue of the state.

MANUFACTURES.—The legislature at its last session, incorporated five companies for manufacturing purposes, with an aggregate capital of 645,000 dollars. Four out of the five companies were for the manufacture of cotton.

December.—**INTERNAL IMPROVEMENTS.**—**BREAKING GROUND.**—On the 21st ult. the president of the Rappahanock canal company commenced the work by breaking ground for the canal. The event was celebrated by the citizens of Fredericksburg and vicinity, with much patriotic spirit, and a great display of masonic and other ceremonies.

The disbursements by the board of public works of the state of Virginia, from the income received between the 30th Nov. 1827, and 1st Dec. 1828, for the purpose of internal improvement, have been on the following accounts:

Last instalment to the Roanoke Navigation Company,	3,200 00
1st and part of 2d do. to Shepherdstown and Smithfield Turnpike Company,	\$8,127 50
2d and part of 3d do. to Staunton and James River Turnpike Company,	8,750 50
Last do. to Ashby's Gap Turnpike Company,	7,000 00
2d and part of 3d do. to Falls Bridge Turnpike Company,	3,500 00
Last do. of loan to Dismal Swamp Canal Company,	7,500 00
Advance to principal engineer for expenses of surveys,	2,950 68
One year's salary to the collector of the board,	300 00
Do. to principal Engineer,	3,500 00
Do. to the second Auditor,	500 00
Do. to the second Auditor's clerk,	219 08
Printing 12th annual report of the Board, &c.	311 62
Compensation and mileage of the directors of the board at the 12th annual meeting,	1,291 90
Door keeper \$48, postages \$17.53,	65 53
Interest on certificates of James River Loans,	71,673 50
	<hr/> \$118,889 81

UNIVERSITY OF VIRGINIA.—The report of the condition of this institution, which has attached to it the name of ex-president Madison, gives a favourable account of the condition and prospects of the University. The number of students at present attached to it, is one hundred and thirty-one.

The literary fund of Virginia, actually available, amounts to \$1,200,856; the fund for internal improvement, to \$1,604,400 of productive stock, and \$465,126 of unproductive stock. The James river company has expended \$1,260,000; has a revenue of \$29,673; and pays \$71,673 interest—the difference between the revenue and interest being charged on the fund for internal improvement.

GOVERNOR.—William B. Giles was re-elected governor of Virginia, without any regular opposition; though about 70 votes were given for other persons. This is the last year that he can constitutionally serve in that office.

PRODUCE.—The following, says the Richmond Whig, is the amount of produce, brought down the James river canal, to Richmond, during the year ending Dec. 31, 1828.

22,803 hhds. tobacco; 592 do. stems; 1,389 bushels wheat; 87,635 bbls. flour; 19,824 bushels corn; 595,327 do. coal; 263 $\frac{1}{2}$ tons bar iron; 937 tons pig iron; 952 $\frac{1}{2}$ squares slate; 373,100 staves; 75,800 hoop poles; 419,400 feet plank; 1,491,800 lbs. miscellaneous articles; 96 $\frac{5}{8}$ hhds. whiskey; 152 empty boats, small class; 39 do. large; 13 $\frac{1}{4}$ tons hay; 2 $\frac{3}{4}$ hhds. rum. Amount of tolls received \$48,430.51.

January, 1829.—**COLONIZATION SOCIETY.**—At a late annual meeting of the Richmond and Manchester Colonization Society, held in the Capitol at Richmond, Chief Justice Marshall presiding, after receiving the report of the Managers, and transacting the annual business, it was resolved to form a State Society. Accordingly, a constitution was adopted, and officers were appointed, embracing many of the most distinguished names in the state.

John Marshall, President.

James Madison, James Monroe, James Pleasants, John Tyler, Wm. H. Fitzburgh, John F. May, General Briscoe G. Baldwin, Philip Doddridge, Hugh Nelson, General Wm. H. Broadnax, William Maxwell, and Dr. Thomas Massie, Vice Presidents.

SENATOR.—Littleton W. Tazewell was re-elected (almost unanimously) to be a senator of the United States from the state of Virginia, for six years from the third day of March next.

February 28th.—**TARIFF, &c.**—The following resolutions, with a long preamble, passed the legislature of the state of Virginia, on this subject. The yeas and nays were the votes thereon, in the house of delegates.

1. *Resolved*, as the opinion of this committee, That the constitution of the United States being a federative

compact between sovereign states, in construing which, no common arbiter is known, each state has the right to construe the compact for itself.—Yeas 134, nays 68.

2. *Resolved*, That, in giving such construction, in the opinion of this committee, each state should be guided, as Virginia has ever been, by a sense of forbearance and respect for the opinion of the other states, and by community of attachment to the union, so far as the same may be consistent with self-preservation, and a determined purpose to preserve the purity of our republican institutions. Yeas 166, nays 36.

3. *Resolved*, That this general assembly of Virginia, actuated by the desire of guarding the constitution from all violation, anxious to preserve and perpetuate the union, and to execute with fidelity the trust reposed in it by the people, as one of the high contracting parties, feels itself bound to declare, and it hereby most solemnly declares its deliberate conviction, that the acts of congress, usually denominated the tariff laws, passed avowedly for the protection of domestic manufactures, are not authorized by the plain construction, true intent, and meaning of the Constitution.—Yeas 126, nays 75.

4. *Resolved*, also, That the said acts are partial in their operation, impolitic, and oppressive to a large portion of the people of the union, and ought to be repealed.—Yeas 138, nays 62.

These resolutions were presented to Congress, and entered on the senate journal March 3, 1829.

The legislature for the last three years, has annually passed similar resolutions, about state rights, the tariff, &c. The votes on these resolutions, stood as follows:

	Ayes.	Noes.	Majorities.
1826	138	23	115
1827	132	49	83
1829	126	75	51

May.—The following gentlemen have been re-elected members of congress from this state.

Messrs. Alexander, Allen, Archer,

Armstrong, P. P. Barbour, J. S. Barbour, Claiborne, Davenport, Maxwell, Mercer, McCoy, Newton, Rives, Roane, Smyth, Stevenson, Taliaferro, Trezvant, and Messrs. Richard Coke, jun. in the place of B. Bassett, Robert B. Craig, in the place of T. Floyd, Philip Doddridge, in the place of Isaac Leffler, and J. T. Bouldin, in the place of J. Randolph. Messrs. Floyd and Randolph were not candidates.

There were only four changes in the delegation, and two of them voluntary.

July.—**TOBACCO.**—Amount of tobacco inspected at the principal inspections in Virginia, from 1st October, 1828, to 30th June, 1829, and the quantity on hand on the 30th June.

	Passed.	Refused.	On hand.
Richmond,	5,948	3,668	14,279
Manchester,	624	300	640
Petersburg,	1,788	2,172	1,299
Lynchburg,	8,340	1,415	2,550
Farmville,	2,051	1,104	
	18,751	8,659	18,668
30th June, 1828,	21,119	13,020	22,244

Deficit,	2,368	4,361	3,576
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VIRGINIA GOLD.—This article it appears increases daily. Valuable discoveries of this metal are not confined to one neighbourhood; Spottsylvania, Orange, Stafford, and Louisa, are all said to have yielded it; the most considerable amount as yet obtained, has been from the first named county. A company of about a dozen in that county, make it their regular pursuit to search for it, and their profits average about five dollars a day for each hand employed; the present process is most simple. They shovel up the earth into vessels, pour water on it, and stir the whole until the earthy particles are in a state of solution, when it is drawn off, and the sediments searched for the precious metal, which is found in all sizes, from that of the head of a pin to a walnut.

August.—**MANUFACTURE OF SALT.** A statement, published in the Western Register, compiled from the quarterly returns of the inspector,

shows the quantity of salt manufactured in Kenhawa county, Virginia, from the salt springs, to have been something more than two millions of bushels.

December, 1827.—**CONVENTION.**—A bill to call a convention to revise the constitution, has passed the house of delegates, 114 to 89. On the 31st inst. the bill passed the senate, by the following vote:

Ayes.—Messrs. Patterson, Walton, Wethered, Wyatt, Turley, Dade, Osborn, Smith, Fry, Thom, Morgan, Sharpe, Martin, and Saunders.—14.

Noes.—Messrs. Holt, (speaker,) Taylor, Dromgoole, Clopton, Mason, Chapman, Bernard, Cabell, Carter, and Jones.—10.

This bill simply submits the proposition of convention, or no convention, to the freeholders of the state. This question is to be settled by their suffrages, in May and June next.

June, 1828.—The vote in the state, on the question of calling a convention, was as follows:

For it.	Against it.
20,825	16,595
16,595	

4,230 majority.

The county of Harrison is not included in this return. The vote of Harrison was 1050 for, and 50 against a convention. The majority throughout the state, 5,230.

February 14th, 1829.—The subject of a *Convention* was at length, finally disposed of. The House of Delegates, by a vote of 114 to 23, accepted the bill sent them by the Senate, organizing the Convention upon the present arrangement of the senatorial districts, under the census of 1810. The bill, as it passed both houses, also extended the limit of selection for members, to the whole state, fixed upon the courts in May, as the time of election, and upon the first Monday in October, 1829, as the time of the meeting of the Convention.

TREASURY.—The balance in the

treasury on the 27th day of November, 1828, was \$324,688.17. On the corresponding day of the year 1829, the balance was \$359,552.91, after defraying the extraordinary expenses of calling a convention, up to that time.

PENITENTIARY.—On the 30th day of September, 1827, there were 135 white males, and 2 white females in this institution. On the 30th of September, 1829, the number of white convicts was 128, of which number there was only one female; and the decrease of white convicts has been nine in the last two years. The governor, in his message to the legislature, in 1829, uses the following language, in reference to the penitentiary:

“It is also a subject of consolation to observe, that there have been fewer convicts returned to the penitentiary for second offences, within the last six years, than there were for the six years preceding that time; there having been an average of only two convicts returned for second offences for six years, from 1824 to 1829, inclusive: whereas, for the six preceding years, from 1818 to 1823, inclusive, there was an average of 5, 2, 3; and since the introduction of the regulation for solitary confinement for three months immediately preceding a discharge, not a single convict, who has undergone such confinement, has been returned to the penitentiary for a second offence.”

NORTH CAROLINA.

December, 1827.—Governor Burton not being re-eligible to the office which he had filled, James Iredell, Esq. was elected governor in his room on the 3d ballot. Mr. Iredell received 104, and Mr. Spraight, his opponent, 80 votes.

On Thursday the 6th inst. Thomas Settle, Esq. of Rockingham, was unanimously chosen speaker of the house of commons, in the place of General Iredell, elected governor.

On the 10th inst. John Scott, Esq. of Hillsborough, was elected solicitor general.

The committee appointed to investigate the accounts of the treasury department, made a report on the 11th inst., from which it appeared that there was a deficit of \$68,631 80.

SWAMP LANDS.—A survey of what are called the “swamp lands” of the state was made, under direction of the board of internal improvements, and it was discovered that the state owned 1,500,000 acres of such land, and that a million more belonged to individuals, all reclaimable, at a comparatively trifling cost, and capable of producing

large crops of cotton, tobacco, rice, or corn, &c. and thought able of sustaining a population of 100,000 souls. These swamps have a clay bottom, over which lies a vegetable compost from 8 to 24 inches in thickness, and the parts of the same swamps that have been drained are exceedingly fertile. It is said, that they are specially fitted for the cultivation of hemp.

TARIFF.—The legislature, at its session in 1827–8, referred this subject to a joint committee, who reported resolutions, and directing the transmission of the resolutions, with an argumentative report against the policy and constitutionality of the law, to the senators and representatives of the state, to be laid before congress.

At the next session, the governor recommended a mild remonstrance against the tariff policy, but distinctly disapproved of any violent proceedings.

1828.—LITERARY FUND.—An act passed the legislature for the establishment of common schools; but the act has not yet been carried into

effect. The literary fund, which arises from bank dividends, &c., amounts to above \$70,000.

BANKS.—There are three banks in the state, viz: the state bank of North Carolina, consisting of a principal bank and six branches; the bank of Newbern, and the bank of Cape Fear. The capital of the state bank is \$1,600,000, and the capitals of the other two banks are \$800,000 each.

TREASURY.—Receipts and expenditures from the 18th of December, 1827, to the 1st of November, 1828.

RECEIPTS.

Cash handed over by the committee of finance,	\$85,531 05
Arrears of taxes,	2,053 83
Additional returns of taxes,	396 44
From the late public treasurer,	1,646 77
Balances due for sales of public land,	1,989 38
On account of interest,	0,000 38
Amount of the revenue of 1827,	61,883 16
Tax on banks and dividends,	20,726 00
On account of rent of public land,	7 00

Total of receipts,	\$174,234 01
Deduct disbursements,	80,890 41½

Balance in the treasury 1st November, 1828,	\$93,343 59½
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EXPENDITURES.

General Assembly,	36,658 23
Executive department,	1,561 98
Department of state,	958 00
Treasury department,	1,375 87½
Comptroller's department,	942 06
Executive council,	128 00
Adjutant general's office,	219 84
Public printers,	900 00
Judiciary,	20,799 47
Arsenal,	2,200 00
Sheriffs for settling taxes,	866 90
Congressional election of 1827,	19 32
Repairs of state house,	86 40
Governor's house,	676 00
Public library,	53 00
Buncombe turnpike company,	1,250 00
State bank of North Carolina,	3,356 24
Pensioners,	977 00
Miss Udney M. Blakely,	600 00
Surveying and selling Cherokee lands,	3,057 00
Expenses for surveying land, &c.	263 55½
Bogue banks,	726 95½
Roanoke navigation company, last instalment,	1,000 00
Romulus M. Saunders, commissioner,	250 00
Contingencies,	1,963 68

Total of expenditures,	\$80,890 41½
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Taxes received for the year 1827, showing the particular items taxed, and the amount on each.

Land tax,	\$24,867 49
Town property tax,	1,402 86
Poll tax,	26,932 21
Stud horse tax,	1,484 82
Gate tax,	202 40
Store tax,	6,271 68

Tavern tax,	2,827 52
Pedler tax,	935 30
Artificial curiosity tax,	507 60
Billiard table tax,	239 70
Fines,	470 00
	1,200 00

Total,	\$67,341 58
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STATE FUNDS.—In addition to the above receipts and expenditures, there was received, during the same period and disbursements made according to law, of the

Internal improvement fund,	\$71,912 19
Literary fund,	77,560 00
Agricultural fund,	251 62
The whole amount of funds of the state, in cash, bank stock, and bonds, is	1,047,495 33
Deduct state debt,	325,336 72

Total of state funds,	\$722,158 61
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In January a bill was introduced into the legislature to authorize a prosecution of the banks which were in great disrepute, but it was rejected by the casting vote of the speaker. In the course of the discussion, the bill underwent various modifications. When it passed its first reading, a prosecution of all the banks was contemplated; but on its second reading, the bill was put into a new shape, and proposed to prosecute the president and directors of the state bank only, and was thus passed, without allowing time to have the bill printed; but the next day, on its third and last reading, the bill having been printed, a further discussion took place, and it was rejected.

LEGISLATURE.—The legislature adjourned on the 7th January, 1828, after a session of 50 days.

On Thursday preceding, in the house of commons, Mr. Stewart presented a bill to alter the time of meeting of the general assembly to the first Monday in November, which was rejected on its first reading; and Mr. Borden presented a bill to reduce the *per diem* allowance of members to two dollars, which met with the same fate, by a vote of 94 to 7.

The bill for the erection of an arsenal on the capitol square, in Raleigh, passed its final reading.

On Thursday, in the senate, the

bill for the erection of a new county in the west, to be called *Macon*, was indefinitely postponed. The vote was 30 to 29.

The resolution requiring the governor to make known to the secretary of war the wish of the legislature that he would send the corps of United States engineers to survey the route for a *rail road* from Newbern, through Raleigh, to the western part of the state, was taken up, and rejected, 64 to 45. It probably would have passed but for an amendment proposed, the object of which was to deny the right of the general government to carry on a system of internal improvements in the states.

The bill to provide for the continuance of the act, directing a geological survey of the state, was also passed.

DESTRUCTIVE FIRE.—A fire broke out at Wilmington, on the, 9th inst., that destroyed about 50 houses, including thirty stores, valued, with the goods in them, at from 100,000 to 130,000 dollars.

November, 1828.—The legislature of this state commenced its annual session, at Raleigh, on the 17th instant. In the senate, Jesse Speight was elected speaker, and James W. Clark, clerk. In the house of commons, Thomas Settle was elected speaker, and Pleasant Henderson, clerk. Governor Iredell transmitted his message to the two houses on the 18th. It embraces a view of the affairs of the state, and takes some notice of national questions, particularly the tariff, which it opposes as unjust and unconstitutional.

November 14th, 1828.—**MR. MACON.**—This venerable senator, after having been a member of congress from 1791 without intermission, and for the period of 37 years, and after having acquired the title of "father of congress," being its oldest member, resigned his seat in the senate on account of the infirmities of age.

Gov. Iredell was elected United States senator in the place of Mr. Macon, resigned.

John Owen, Esq. was elected gover-

nor in the place of Mr. Iredell. The votes were, for Mr. Owen 98, for R. D. Spraight 92, and 2 scattering.

THE STATE BANK.—At an annual meeting of the stockholders, held at Raleigh on the 1st of December, a committee was appointed to inquire into the state of the bank, &c.; and on the 3d, the committee made a report, speaking generally well of the management of the bank, but recommending a winding up of its concerns.

January, 1829.—The legislature of the state of North Carolina adjourned on Saturday the 10th inst., after the longest session ever held.

Cadwallader Jones, Marsden Campbell, and Andrew Joyner, were elected a board for internal improvements, during the present year.

The bill to provide for the gradual diminution of the capital stock of the banks of that state, by the purchase and extinguishment of shares, and the bill to compel the banks to redeem their notes with specie, were indefinitely postponed.

INTERNAL IMPROVEMENTS.—At a late meeting of the board of internal improvement of this state, measures were taken for recommencing the works below Wilmington, and for repairing the embankments and jetties; and also for opening the river to Haywood. Satisfactory evidence was procured, as directed by the legislature, of the sinking of certain vessels during the revolutionary war, in the ship-channel below Wilmington, in order to prevent the enemy from destroying the town, which, it is believed, was the principal cause of the present obstructions in the navigation of the river.

August.—**CONGRESSIONAL ELECTIONS.**—Jesse Speight was chosen representative to congress from the district lately represented by Mr. Bryan (who declined a re-election) by an overwhelming majority; and Daniel L. Barringer, Edward B. Dudley, Thomas H. Hall, Abraham Rencher, Robert Potter, and Wm. B. Shepard, were also elected.

Willis Alston, Augustin H. Shep-

herd, Henry W. Conner, and Samuel P. Carson, were re-elected without opposition.

Lewis Williams was re-elected, after a violent struggle, by a majority of 402 votes over Samuel King.

Edmund Deberry was elected a representative to congress, from the district lately represented by Mr. Culpeper, by a majority of 200 votes over John A. Cameron.

GOLD.—Gold has been discovered in several places in this state. It was first discovered in the county of Cabarrus, and subsequently it has been found in the counties of Rutherford, Burke, Lincoln, Mecklenburg, Rowan, Anson, Davidson, Montgomery, Randolph, Caswell, Guilford, Orange, and Chatham. The following is a statement of the amount of gold found

at Disnokes and Austin's mine, in Anson county, from the 16th to the 23d of August, 1828:

One piece weighing	2,856 dwts.
In parcels,	1,444
	<hr/> 3,300 dwts.

The gold is not found in veins, as in Mecklenburg county, but is scattered over an extensive surface, and is found in pieces, varying in size from that of a grain to that of the piece above mentioned.

FAYETTEVILLE.—Exports for the year ending 1st June, 1829—

Bales of cotton,	17,073
Do. now in store,	2,260
	<hr/> 19,338
Bushels of wheat,	52,022
Barrels of flour,	16,950
Casks of seed,	2,496
Hhds. of tobacco,	370

SOUTH CAROLINA.

1827.—**LEGISLATIVE PROCEEDINGS.**—The veteran General Sumpter being largely indebted to the bank of the state, application was made to the legislature, at this session, by his friends, for some relief. The joint committee of the two houses, to which the application was referred, recommended that the state should assume the debt, and take his whole property at a valuation to be made by commissioners; but it was ultimately determined that the directors should be instructed to indulge general Sumpter until his death, *not requiring him to pay interest*, but retaining all the securities as they are.

December.—The legislature, at its session in this month, appointed a committee, "to whom were referred certain resolutions, directing an inquiry into the nature and origin of the federal government, and whether certain measures of congress were or were not, a violation of the letter and spirit of the federal compact." The committee, in their report, go into an examination of the manner in which the federal government was established; examine the question as to its emanating from the people, directly,

or from the states, as sovereignties; allude to the construction put upon the constitution by the supreme court of the United States; go into an inquiry whether congress can so legislate as to protect the local interests of particular states at the expense of other portions of the United States; and, whether domestic manufactures be a local or general interest; whether, under the power "to promote the general welfare," Congress can expend money on internal improvements, or for any purposes not connected with the enumerated objects in the constitution; and whether congress can extend its legislation to the means of meliorating the condition of the free colored, or slave population of the United States. The committee concluded by proposing the following resolutions, which, after some debate, were adopted by the senate on the 12th, and by the house of representatives on the 19th of December, 1827:

1. *Resolved*, That the constitution of the United States is a compact between the people of the different states, with each other, as separate, independent sovereignties, and that for any violation of the letter, or spirit of

that compact by the congress of the United States, it is not only the right of the people, but of the legislatures who represent them, to every extent not limited, to remonstrate against violations of the fundamental compact.

2. *Resolved*, That the acts of congress, known by the name of the tariff laws, the object of which, is not the raising of revenue, or the regulation of foreign commerce, but the promotion of domestic manufactures, are violations of the constitution, in its spirit, and ought to be repealed.

3. *Resolved*, That congress has no power to construct roads and canals in the states, for the purposes of internal improvements, with or without the assent of the states in whose limits those internal improvements are made; the authority of congress extending no further than to pass the "*necessary and proper laws*" to carry into execution their enumerated powers.

4. *Resolved*, That the American colonization society is not an object of national interest, and that congress has no power in any way, to patronize, or direct appropriations for the benefit of this, or any other society.

5. *Resolved*, That our senators in congress be instructed, and our representatives be requested, to continue to oppose every increase of the tariff, with a view to protect domestic manufactures; and all appropriations to the purposes of internal improvements of the United States, and all appropriations in favour of the colonization society, or the patronage of the same, either directly or indirectly, by the general government.

6. *Resolved*, That the governor be requested to transmit copies of this preamble and resolutions to the governors of the several states, with a request that the same be laid before the legislatures of their respective states; and also, to our senators and representatives in congress, to be by them laid before congress, for consideration.

The excitement on the subject of

the tariff, which was partially indicated by the passage of these resolutions, was afterwards augmented by the obnoxious measure's passing into a law.

Meetings of the citizens were held in different places, and resolutions adopted, expressing a strong and violent disapprobation of the tariff system. The following legislative protest, received the sanction of the legislature the next session, December 19th, 1828:

Protest of the legislature of South Carolina, against the system of protecting duties.—The senate and house of representatives of South Carolina, now met and sitting in general assembly, through the honourable William Smith, and the honourable Robert Y. Hayne, their representatives in the senate of the United States, do, in the name and on behalf of the good people of the said commonwealth, solemnly protest against the system of protecting duties, lately adopted by the federal government, for the following reasons:

1. Because the good people of this commonwealth believe that the powers of congress were delegated to it in trust, for the accomplishment of certain specified objects which limit and control them, and that every exercise of them for any other purposes, is a violation of the constitution, as unwarrantable as the undisguised assumption of substantial independent powers, not granted or expressly withheld.

2. Because the power to lay duties on imports is, and in its very nature can be, only a means of effecting the objects specified by the constitution; since no free government, and least of all, a government of enumerated powers, can of right impose any tax (any more than a penalty) which is not at once justified by public necessity, and clearly within the scope and purview of the social compact, and since the confining appropriations of the public money, to such legitimate and constitutional objects, is as essential to the liberties of the people, as their unquestionable privilege to be taxed only by their own consent.

3. Because they believe that the tariff law passed by congress at its last session, and all other acts, of which the principal object is the protection of manufactures, or any other branch of domestic industry—if they be considered as the exercises of a supposed power in congress to tax the people at its own good will and pleasure, and to apply the money raised, to objects not specified in the constitution, is a violation of these fundamental principles, a breach of a well defined trust, and a perversion of the high powers vested in the federal government for federal purposes only.

4. Because such acts, considered in the light of a regulation of commerce, are equally liable to objection—since, although the power to regulate commerce may, like other powers, be exercised so as to protect domestic manufactures, yet it is clearly distinguished from a power to do so *eo nomine*, both in the nature of the thing and in the common acception of the terms; and because the confounding of them would lead to the most extravagant results, since the encouragement of domestic industry implies an

absolute control over all the interests, resources and pursuits of a people, and is inconsistent with the idea of any other than a simple consolidated government.

5. Because from the cotemporaneous exposition of the constitution, in the numbers of the *Federalist*, (which is cited only because the supreme court has recognised its authority,) it is clear that the power to regulate commerce, was considered by the convention, as only incidentally connected with the encouragement of agriculture and manufactures: and because the power of laying imposts, and duties on imports, was not understood to justify, in any case, a prohibition of foreign commodities, except as a means of extending commerce by coercing foreign nations to a fair reciprocity in their intercourse with us, or for some other bona fide commercial purpose.

6. Because that whilst the power to protect manufactures is no where expressly granted to congress, or can be considered as necessary and proper to carry into effect any specified power, it seems to be expressly reserved to the states, by the tenth section of the first article of the constitution.

7. Because even admitting congress to have a constitutional right to protect manufactures by the imposition of the duties, or by the regulations of commerce, designed principally for that purpose, yet a tariff of which the operation is grossly unequal and oppressive, is such an abuse of power, as is incompatible with the principles of a free government, and the great ends of civil society, justice, and equality of rights and protection.

8. Finally, because South Carolina from her climate, situation, and peculiar institutions, is, and must ever continue to be, wholly dependant upon agriculture and commerce, not only for her prosperity, but for her very existence as a state—because the abundant and valuable products of her soil; the blessings by which Divine Providence seems to have designed to compensate for the great disadvantage under which she suffers in other respects, are among the very few which can be cultivated with any profit by slave labour; and if by the loss of her foreign commerce, these products should be confined to an inadequate market, the fate of this fertile state would be poverty and utter desolation. Her citizens in despair, would emigrate to more fortunate regions, and the whole frame and constitution of her civil polity be impaired and deranged, if not dissolved entirely.

Deeply impressed with these considerations, the representatives of the good people of this commonwealth, anxiously desiring to live in peace with their fellow citizens, and do all that in them lies, to preserve and perpetuate the union of the states, and the liberties of which it is the surest pledge—but feeling it to be their bounden duty to expose and to resist all encroachments upon the true spirit of the constitution, lest an apparent acquiescence in the system of protecting duties should be drawn into precedent, do, in the name of the commonwealth of South Carolina, claim to enter upon the journals of the senate, their protests against it as unconstitutional, oppressive, and unjust.

This protest was entered on the senate journal, February 10th, 1829.

December.—The honourable Stephen D. Miller, was on the 11th of this month, elected governor and

commander in chief of the state; and Thomas Williams, jun. Esq. was elected lieutenant governor.

Robert Y. Hayne was re-elected without opposition, a senator of the United States, from the state of South Carolina, for six years from the 4th day of March next.

LEGISLATURE.—The Legislature of the state of South Carolina adjourned on the 20th inst. Previous to the adjournment, William Harper was elected chancellor of the state.

February, 1829.—**RAIL ROAD.**—A corps of the United States engineers, under command of Dr. Howard, are engaged in the survey of a route for a rail road from Charleston to Hamburg. Dr. H. has made a valuable communication to the president and directors of the company, suggesting an extension to the Tennessee river, which, when improved, (for which a large appropriation has been made by congress,) may rival the Ohio in the activity of its trade.

June.—At a meeting of the stockholders of the South Carolina canal and rail road company, held on the 9th instant, it was unanimously resolved that the directors of the company be authorized to construct and complete, forthwith, a portion of the rail road between Charleston and Hamburg.

COTTON.—The Charleston Patriot publishes a statement of the exports of cotton and rice from Charleston for the last eight years. From the 31st of September, 1819, to the 1st of October, 1820, there were 125,475 bales of upland cotton, 21,474 do. Sea Island, and 64,153 tierces of rice. From September, 1820, to October, 1821, there were 98,678 uplands, 24,682 Sea Islands, and 75,366 tierces of rice. From September, 1821, to October, 1822, there were 104,540 uplands, 25,510 Sea Islands, and 78,161 rice.—From September, 1822 to 1823, there were 136,166 uplands, 26,744 Sea Islands, and 80,398 rice. From September, 1823, to October, 1824, there were 129,886 uplands, 24,635 Sea Islands, and 102,170

tierces of rice. From September, 1824, to October, 1825, there were 141,074 uplands, 18,253 Sea Islands, and 92,577 rice. From September, 1825, to October, 1826, there were 164,543 uplands, 12,647 Sea Islands, and 95,193 rice. From September, 1826, to October, 1827, there were of uplands 199,175, of Sea Islands, 31,828, and of rice 108,533 tierces. Of course, the exportation for the last year is greater on all the articles than in any previous year.

August.—GREAT FRESHET IN THE PEE DEE.—On the night of the 6th inst. the river began to rise, and by morning it had risen thirty feet—it continued to rise slowly through the 7th, attaining its greatest height by 9 o'clock of the 8th—at this time, a breach was made in the dam, of great height and extent, erected by Gen. David R. Williams; the torrent which rushed in at this point was so great, as to snap in two, like a pipe stem, a cotton log *three feet through*, which was sucked in across the breach. This tremendous gush of water soon washed down the dam under the wings of a mill which had been erected about three years since, and in less than five minutes time, tore up foundation, mill, and every thing, turning the mill round, and carrying it into Buckhold's creek, clearing itself a passage through the trees with the resistlessness of a tornado; and in less than two hours after, all the cotton of two adjoining plantations belonging to General W. was destroyed. The loss is represented to have been very large on all the river low grounds.

GOLD—Is found in small quantities near the Tiger river. There was a vein of it discovered in Davidson county, said to be 80 feet in width. In June, 1828, a company was formed and commenced the gold mining business in Yorkville district with every prospect of success.

DECREASE OF SLAVES IN SOUTH CAROLINA.—It appears from the reports of the comptroller of South Carolina, that the number of slaves in that state decreased in one year.

from 1824 to 1825, thirty-two thousand seven hundred and twenty-seven; and in the next year, one thousand one hundred and twenty-nine. Total decrease in two years, 33,856; being more than one eighth of the whole number (260,282,) in 1824.

CHARLESTON.—The Charleston Mercury says that the following comparative statement of the white population of the parishes composing the district of Charleston, as taken in the years, 1819 and 1829, has been furnished for publication by the gentlemen appointed by the state legislature to take the census the present year:

Parishes.	Census of	
	1819.	1829.
St. Philip's and St. Michael's,	13,834	13,177
St. James', Goose Creek,	1,039	1,108
St. John's, Colleton,	436	533
St. John's, Berkeley,	617	527
St. Stephen's,	440	511
St. James', Santee,	411	392
Christ Church,	412	464
St. Andrews',	305	301
St. Thomas' and St. Dennis',	212	189
Total,	17,706	17,202

The statement shows a decrease in ten years which cannot but be considered very remarkable.

The bill of mortality, for the year 1828, gives the following results: whole number of deaths 793, of whom 358 were white, and 435 black persons. Of the white, 190 were natives of South Carolina, 66 of other states, and 102 foreigners. The white males were 232, females only 126. Nearly the same number of black males and females died.

Ages—under 3 years 235—3 to 10, 43—10 to 20, 37—20 to 30, 112—30 to 40, 112—40 to 50, 73—50 to 60, 65—60 to 70, 51—70 to 80, 45—80 to 90, 14—90 to 100, 5—above 100, one.

Diseases—apoplexy 22, convulsions 45, consumption 118, debility 34, diarrhœa 45, dropsy 57, fevers—bilious 24, country 18, stranger's 26, hooping cough 67, old age 58, teething 29. All else under 20 cases.

MURDER.—A curious case of murder was tried in May, 1829, at Fairfield court. It was that of Shadrach Jacobs for the murder of Andrew Feaster. The murder was commit-

ted as far back as the year, 1808; Jacobs was arrested and confined, but soon made his escape, and fled to the west, where he continued to reside, until he was recently discovered and brought back. He was accordingly

tried and convicted, and appealed for a new trial, but the appeal court refused to grant it. He was sentenced to be executed, which sentence was carried into effect.

GEORGIA.

1827.—In December of this year, the legislature adopted a report of the committee on the state of the republic, containing their views upon the powers claimed and exercised by congress, for the purpose of encouraging domestic manufactures, and effecting a system of internal improvement. In this report, the committee contend that the states, through their legislatures, have a right to complain of, and redress if they can, all usurpations by the general government. Respecting internal improvements, they say, "if the subjects of domestic manufactures and internal improvements depended upon the question of expediency, we should have nothing to say; for that is a matter purely within the power of congress; and although we should greatly deplore the adoption and continued prosecution of a policy obviously grinding down the resources of one class of states to build up and advance the prosperity of another of the same confederacy, yet it would be ours to submit under the terms of our compact. All argument is vain, against interest supported by power. But we do most solemnly believe, that such policy is contrary to the letter and spirit of the federal constitution." After this assertion, the committee proceed to state their reasons for this construction of the constitution, and conclude with the following resolution:

"*Resolved*, That his excellency, the governor, be, and he is hereby requested to cause the foregoing report to be laid before congress at its next session, and that he forward a copy of the same to each of the other states, to be laid before their respec-

tive legislatures, for the concurrence of such as may approve of the principles therein avowed, and as due notice to those who may dissent from the same, that Georgia as one of the contracting parties to the federal constitution, and possessing equal rights with the other contracting parties, will insist upon the construction of that instrument, contained in said report, and will submit to no other."

Read and agreed to.

Thomas Stocks, President.

Attest.

Wm. Y. Flansell, Secretary.

In the house of representatives,
Dec. 24, 1827, read and concurred in.

Irby Hudson, Speaker.

Attest.

Wm. C. Dawson, Clerk.

BANKS.—There are six banks in the state, viz. the bank of Augusta, which has a capital of \$600,000.00, and bills in circulation to the amount of \$379,923.00; the bank of Macon, the proportion of the capital stock of which paid in, is 50,000, and which has bills in circulation to the amount of \$87,972; the Marine and Fire Insurance Company, which has deposits to the amount of \$43,217.98, and bills in circulation to the amount of \$125,845.00; the bank of the state of Georgia, which has capital stock to the amount of \$1,500,000.00, and notes in circulation \$1,119,853; the Planters' bank, which has notes in circulation of the old and new emission, \$259,210, and a capital stock of \$649,050.00; and the bank of Darien, which has a stock of \$484,450.00, and bills in circulation to the amount of \$396,524.44.

TREASURY.—Receipts and expen-

itures for the year ending on the
31st of October, 1828.

RECEIPTS.

General tax of 1820,	\$31 12
" 1823,	13 74
" 1825,	2,007 07
" 1826,	41,484 10
" 1827,	3,513 00
Cash returned into the treasury,	12,241 58
Sale of lots in and adjoining the town of Columbus,	26,198 20
Sale of McIntosh reserves in Butts county,	2,619 75
Sale of lots in Macon,	751 23
Fees received by state-house officers,	28 37
Rent of lots fraudulently drawn, Rent of fractions, reserves, &c., under the act of 1826,	692 59½
Rent of Indian reserves,	226 00
Fees on copy grants,	89 11
Fees on grants for land drawn for " " 1820,	3,440 00
" " 1821,	2,876 00
" " 1827,	22,194 00
Sale of fractions under the act of " " 1822,	12,564 94
" " 1823,	1,125 48
Sale of lots fraudulently drawn, Lots in Macon,	2,466 18½
Fractions of land sold under the act " " of 1822,	216 95
" " 1823,	64 25
Sale of lots Nos. 10 and 100,	1,146 72
Rent of public property at Fort Hawkins,	3,433 04
Fees on grants for reverted in Bald- win, Wilkinson, and Wayne,	550 00
Fees on grants and testimonials,	536 25
Tax on pedlers,	1,170 00
Dividend on bank stock,	35,100 00
Vendue tax,	2,213 02½
Premium on United States treasur- y checks,	80 07
Bonds for university lands,	1,972 80
Fund from fees on grants for lots Nos. 10 and 100,	4 00
Fees on grants fraudulently drawn,	12 00
	\$181,155 38
Balance remaining in treasury 26th November, 1826,	637,303 14
	\$818,458 52

EXPENDITURES.

Appropriation for the legislature,	\$52,743 40
Printing fund of 1823,	4,537 02
Appropriation for enlarging the state house,	8,331 82
Civil establishment of 1823,	22,457 66
Appropriation for the penitentiary, 1823,	5,000 00
Contingent fund of 1823,	5,833 05
Special appropriation, 1827,	19,743 61
Land fund, 1825,	10,731 89
" 1826,	4,022 15
Military fund of 1827,	4,888 21
Poor school fund,	7,724 63
Land fund,	12 38
Appropriation for county academies,	4,095 30
Printing, 1827,	513 21
Civil establishment of 1827,	581 25
Contingent fund of 1827,	1,689 83
Special appropriation, 1827,	31,250 00
1824,	1,273 75
1822,	1,500 00
	\$186,929 16

Balance remaining in the treasury
October 31st, 1828, 631,529 36
\$818,458 52

TARIFF.—Much feeling was excit-
ed in this state by the passage of the
tariff, and the people generally were
strongly opposed to it. The follow-
ing protest received the sanction of
the legislature, and was transmitted
to congress, and entered on the jour-
nal, January 12th, 1829:

PROTEST,

*To the senate of the United States, by the state
of Georgia, against the tariff.*

From a painful conviction, that a manifesta-
tion of the public sentiment, in the most impos-
ing and impressive form, is called for by the pre-
sent agitated state of the southern section of
the union:

The general assembly of the state of Georgia
have deemed it their duty to adopt the novel
expedient of addressing, in the name of the
state, the senate of the congress of the United
States.

In her sovereign character, the state of Geo-
rgia protests against the act of the last session of
congress, entitled "An act in alteration of the
several acts imposing duties on imports," as de-
ceptive in its title, fraudulent in its pretences, op-
pressive in its exactions, partial and unjust in
its operations, unconstitutional in its well known
objects, ruinous to commerce and agriculture;
—to secure a hateful monopoly to a combination
of importunate manufacturers.

Demanding the repeal of an act, which has
already disturbed the union, and endangered the
public tranquillity, weakened the confidence of
whole states in the federal government, and di-
minished the affection of large masses of the
people of the union itself—and the abandonment
of the degrading system which considers the
people as incapable of wisely directing their own
enterprise—which sets up the servants of the
people, in congress, as the exclusive judges of
what pursuits are most advantageous and suita-
ble for those by whom they were elected; the
state of Georgia expects, that, in perpetual testi-
mony thereof, this deliberate and solemn expres-
sion of her opinions will be carefully preserved
among the archives of the senate, and in justifi-
cation of her character to the present generation
and posterity; if, unfortunately, congress, dis-
regarding this protest, and continuing to pervert
powers granted for clearly defined and well un-
derstood purposes to effectuate objects never in-
tended, by the great parties by whom the con-
stitution was framed, to be intrusted to the con-
trolling guardianship of the federal government,
should render necessary, measures of decisive
character, for the protection of the people of the
state, and the vindication of the constitution of
the United States.

In December, the following reso-
lutions were passed:

Resolved, That this legislature concur with
the legislature of the state of South Carolina, in
the resolutions adopted at their December ses-
sion in 1827, in relation to the powers of the ge-
neral government and state rights. [Vide page
137 supra.]

Resolved, That his excellency the governor be
requested to transmit copies of this preamble

and resolutions to the governors of the several states, with a request that the same be laid before the legislatures of their respective states; and also to our senators and representatives in congress, to be by them laid before congress for consideration.

Approved: December 20, 1828:

JOHN FORSYTH, *Governor*.

AGRICULTURE.—In Nov. 1827, a resolution was passed by the Georgia legislature, to instruct the committee on agriculture and internal improvements, to inquire into the expediency of adopting measures to promote the cultivation of certain plants, in consequence of "the continued depression of the cotton market," and we find that in their report,

They recommended that attention be devoted particularly to those tracts of land called Pine Barrens, where mulberry trees might be raised with facility, and silks might be made in large quantities. Before this branch of culture was destroyed by the revolutionary war, in one year ten thousand pounds of silk were received at Savannah. As women and children are able to perform all the necessary labour, the committee were of opinion that the subject was worthy of the encouragement of the legislature.—Olives may be raised in Georgia, as was proved by an experiment made on the plantation of Thomas Spalding, esq. of McIntosh county, where five trees were bearing, and forty or fifty were growing well. Good wine was made on the same plantation, of native grapes; and there was evidence referred to by the committee, which proved that very good wine was made in the state as early as 1740.

Tobacco, indigo, madder, the white poppy, and several kinds of grass were also recommended; and it was proposed that large tracts of country, now useless, should be converted into sheep-walks. For the purpose of exciting the zeal, attention and industry of the inhabitants on these and parallel subjects, the committee recommended that various premiums be offered.

INTERNAL IMPROVEMENTS.—With in the last thirteen years. the sum of

\$321,500 has been expended by the state of Georgia, for internal improvements, but to so little purpose that the legislature has adopted a resolution "that no further appropriations be made for the purpose of internal improvement, until some better and more efficient system shall be matured and adopted, and that the office of civil engineer be abolished for the present."

In *January*, 1829, the legislature directed a subscription of \$44,000 to the stock of the Savannah, Ogechee, and Alatomaha canal, and appropriated \$7,000 to build an arsenal in Savannah.

Jan. 4th.—The resolutions granting to the Darien Bank the privilege of redeeming her notes in the treasury, by instalments of \$150,000 a year, to which the governor dissented, were passed in both branches of the legislature of Georgia, by the constitutional majority of two thirds.

On the question of removing Judge Moses Ford from office, by an address to the governor, as recommended by the committee, (on a charge of habitual intemperance, and consequent incapacity for the duties of his office,) the vote in the house of representatives, was yeas 80, nays 36; in the senate, yeas 39, nays 27. So that there was a constitutional majority of the house, but not of the senate, for his removal.

November.—**JUDICIARY.**—The judiciary of the state of Georgia is periodically elective by the legislature. The election of the judges of the circuit courts took place this month, and resulted as follows:

For the northern circuit, Wm. H. Crawford was re-elected. He received 165 votes. Thirty scattering votes.

For the Ocmulgee circuit, Eli S. Shorter was elected. He received 124 votes, Thomas W. Cobb, 61, Adam G. Saffold 20.

For the middle circuit, W. W. Holt was elected. Holt 122, and Schley 84 votes.

For the western circuit, A. S. Clayton was elected. Clayton 107, and Harris 5 votes.

For the Flint Circuit, C. B. Strong was elected. Strong 111, and Prince 86 votes.

For the southern circuit, Thaddeus G. Holt was elected. Holt 153, and Long 51 votes.

For the Eastern Circuit, William Davies was elected. Davies, 184 votes; scattering 10.

For attorney general of the state, George W. Crawford. Mr. Crawford received 104, and Thomas Berrien, 83 votes.

December.—In the legislature of the state, a serious attempt was made to abolish penitentiary punishment. It was rejected in the house of representatives on the 4th instant, by a majority of only ten votes. The hostility to the system, appeared to be rather directed to the manner of conducting the establishment, than to the moral efficacy of this sort of commutation for corporal punishment.

A bill proposing the call of a convention, was rejected, 40 votes to 31. A bill to create a board of agriculture for the state, to provide for the organization of agricultural societies, and to appropriate funds for the payment of premiums, was also rejected.

INDIANS.—The controversy between Georgia and the Indians has been continued during the last two years, and both parties have exhibited a determination not to relinquish, in the least, their respective pretensions.

In December, 1827, the following laws were passed by the legislature :

“An act to divide the counties of Carrol and Coweta into electoral districts, and to add a certain part of the Cherokee nation to the counties of Carrol and De Kalb, for the purposes of giving criminal jurisdiction to the same.

“Sec. 8.—*And be it further enacted*, That, all that portion of the Cherokee nation, lying within the following lines, shall be attached to,

and considered as a part of the county of Carrol, under the several laws heretofore passed for the trial of offences committed in the Cherokee or Indian nation, to wit,” &c.

“Sec. 9. *And be it, &c.*, That, all that portion of the unlocated territory of this state, lying north of the aforesaid line, and south of the High Tower Trail, be added to the county of De Kalb, for the purposes of criminal jurisdiction, and that all crimes and misdemeanours committed on any part of the aforesaid territory, by or against any citizen of this state, or of the United States, shall be cognizable and liable in the aforesaid county of De Kalb.”

Assented to, Dec. 26th, 1827.

JOHN FORSYTH, governor.

In *January*, 1828, proceedings were had by the legislature with regard to the course pursued by the United States, on the Indian question, and a report on the subject of the Cherokee lands, was made to the legislature, and the committee recommended the adoption of the following resolutions :

“*Resolved*, That the United States, in failing to procure the lands in controversy, “as early” as the same could be done upon “peaceable” and “reasonable terms,” have palpably violated their contract with Georgia, and are now bound, at all hazards, and without regard to terms, to procure said lands for the use of Georgia.

“*Resolved*, That the policy which has been pursued by the United States towards the Cherokee Indians, has not been in good faith towards Georgia; and that as all the difficulties which now exist to an extinguishment of the Indian title, have resulted alone from the acts and policy of the United States, it would be unjust and dishonourable in them to take shelter behind those difficulties.

“*Resolved*, That all the lands appropriated and unappropriated, which lie within the conventional limits of Georgia, belong to her absolutely; that the title is in her; that the Indians are tenants at her will, and that she may, at any time she pleases, determine that tenancy by taking possession of the premises; and that Georgia has the right to extend her authority, and to coerce obedience to them, from all descriptions of people, be they white, red, or black, who may reside within her limits.

“*Resolved*, That Georgia entertains for the general government so high a regard, and is so solicitous to do no act that can disturb the public tranquillity, that she will not attempt to enforce her rights by violence, until all other means of redress fail.

“*Resolved*, That to avoid the catastrophe which none would more sincerely deplore than ourselves, we make this solemn—this final—

this last appeal, to the president of the United States, that he take such steps as are usual, and as he may deem expedient and proper for the purpose of, and preparatory to, the holding of a treaty with the Cherokee Indians, the object of which shall be, the extinguishment of their title to all, or any part of the lands now in their possession, within the limits of Georgia.

"Resolved, That if such treaty be held, the president be respectfully requested to instruct the commissioners to lay a copy of this report before the Indians in convention, with such comments as may be considered just and proper, upon the nature and extent of the Georgia title to the lands in controversy, and the probable consequences which will result from a continued refusal, upon the part of the Indians to part with these lands. And that the commissioners be also instructed to grant, if they find it absolutely necessary, reserves of land in favour of individual Indians, or inhabitants of the nation, not to exceed one-sixth part of the territory to be acquired, the same to be subject to the future purchase by the general government, for the use of Georgia.

"Resolved, That his excellency, the governor, be requested to forward a copy of the foregoing report and resolutions to the president of the United States, and one to our senators and representatives in congress, with a request that they use their best exertions to obtain the object therein expressed."

OLIVES.—Olives of a very excellent quality, are abundantly raised on Cumberland island.

COAL.—A valuable bed of coal has been discovered near Marion, in Twiggs county. It is hailed as a discovery more valuable than if of silver or gold.

SUGAR.—During the year 1828, Mr. John Mizzle, residing on the head waters of Spanish creek, Camden county, produced from a spot of pine barren manured ground, measuring 56 yards, or 168 feet square, $3\frac{1}{2}$ barrels of superior quality sugar, and $1\frac{1}{2}$ barrels dripped molasses—average weight of sugar, 230 lbs. 805 lbs.—molasses, 48 gallons.

BANKING.—The following description was given in the Georgia Journal, of the opening of the bank, in Milledgeville, on June 27th, 1829:

The pencil of Hogarth would have been inadequate to the representation of a scene exhibited before the Central bank, on Saturday last, when the bank was first opened to pay out money. The state house passage, near the door of the bank, was crowded almost to suffocation, the weather melting hot, impatience, anxiety,

hope, and fear, were depicted in the countenances of the multitude of applicants for money, who had come from the extreme points of the state, from east, west, north, and south. A little past 10 o'clock, the door of the bank was opened, when a rush was made to be first at the cashier's desk. The room was instantly crammed so full, that those who wished to get out found it very difficult to make their escape. This scene, instructive to the indifferent spectator, but at the same time humiliating, continued throughout the day.

January, 1829.—**PENITENTIARY.** It is said in a Georgia paper, to the credit of the morals and habits of the female part of the population of the state of Georgia, that there have been but two females imprisoned in the penitentiary at Milledgeville, since that system went into operation in that state, eleven years ago. One of these unfortunates, as was afterwards proved, had been convicted through the perjury of a witness; and the other was but the accomplice of her husband, in forging that kind of small paper currency, called *change bills*, and which used to inundate the whole country, during the suspension of specie payments.

April.—**CASTOR OIL.**—Dr. Reese, of Jasper county, in 1828 made an experiment in cultivating the palma christi, or castor oil bean, (*Ricinus Americanus*.) It is thought, this cultivation would be more profitable than almost any other that could be adopted in the up country. It yields about the same to the acre as indian corn; and each bushel of the berry yields from a gallon and a half to two gallons of oil; which is worth \$2.50 per gallon. With the exception of gathering, this crop requires no more labour than one of corn.

FIRES.—A terrible and destructive fire occurred at Augusta on the 3d of April. The number of houses destroyed were estimated at from *three hundred to three hundred and fifty*; and the loss of property, not far short of *half a million of dollars*; not

one third of which, it is supposed, was insured.

A fire broke out in Savannah on the 10th instant, at 10 o'clock in the morning, which ended in the destruction of 80 or 90 dwelling houses, and some other buildings, about 100 in all, with great quantities of rice, and other produce. The insurance offices suffered heavily.

EXPORTS.—It was estimated in the Georgia Courier, that up to the 13th March, 112,994 bales of cotton, at 30 dollars per bale, equal to \$3,389,820, had been shipped from Augusta and Hamburg in the present season, of which, nearly 2,000 bales had been damaged or lost by casualties on the river, and a loss made of \$49,160. The chief losses were by the burning of steamboats.

The exports from Savannah, during May, were 25,018 bales of cotton, and 4,161 tierces of rice; making, for eight months, ending 31st May, 191,720 bales of cotton, and 18,814 tierces of rice, being an increase over the same period last season, of 75,774 bales, and 5,828 tierces. Of the shipments this season, 122,986 bales, and 9499 tierces, were to foreign ports, the remainder coastwise, being an increase of the first 56,488 bales, and 2,728 tierces, and of the latter, 20,286 bales, and 3,100 tierces.

The increase this, over the last season, is to

Liverpool,	46,819 bales.
Havre,	5,741
New York,	8,542
Providence,	3,913

The increase of sea islands is only 586 bales, the exports of last season being 10,889 bales.

ELECTIONS.—In *October, 1827*, John Forsyth was elected governor, by a large majority; receiving 22,220

votes, and having only 9,072 against him. At the same election, the sense of the people was taken on the question of *convention* or *no convention*, (for revising the constitution of the state,) and determined in the negative, 19,623 votes against 10,467.

December.—Richard H. Wilde was elected representative to congress, in the room of Mr. Forsyth. An entire change was made in the state officers, by the legislature. Hines Holt was appointed treasurer, Thacker Howard comptroller, Everard Hamilton secretary of state, and T. Mitchell surveyor general.

November, 1828.—George M. Troup was chosen by the legislature of Georgia, to be a senator of the United States, for six years, from the 4th day of March next, to succeed Mr. Cobb. Mr. T. received nearly a unanimous vote.

Mr. Cobb, having resigned his seat in the senate, Oliver H. Prince was chosen to fill the vacancy thus occasioned.

REPRESENTATIVES TO CONGRESS.—The following exhibits the whole number of votes given to each candidate, with the proportion embraced by the returns not made according to law :

	Total.	Defective.	V. counted.
Gilmer,	23,287	5,847	18,440
Wilde,	23,403	5,118	18,285
Thompson,	21,292	4,435	16,857
Haynes,	18,461	3,903	14,558
Foster,	18,601	4,734	13,869
Wayne,	20,645	5,962	15,683
Williamson,	10,694	1,629	8,485
Brailsford,	9,933	2,911	7,422
Merriwether,	11,936	2,675	9,261
Lumpkin,	16,118	3,437	12,681
Cuthbert,	14,382	3,191	11,141
Charlton,	12,714	2,415	10,238
Triplett,	11,835	2,769	9,667

ALABAMA.

1827—POPULATION.—By a census of this state, in 1827, it appeared that the whole number of the inhabitants was 244,041. Of this number 91,308 were slaves, and 555 free people of colour. The same state, in 1820, contained 127,901 inhabitants; showing an increase, in seven years, of 116,140. The increase of slaves, in

the same time, was 49,429, and the decrease of people of colour 16.

November.—The legislature of this state met at Tuscaloosa on the 19th ult. In the senate, Nicholas Davis was unanimously elected president, and Francis S. Lyon secretary. In the other house, Samuel W. Oliver was elected speaker, and Thomas B.

Tunstall clerk. On Tuesday, the 20th, governor Murphy transmitted his message. After a view at some length, of the duties of legislative bodies, the governor occupied considerable space in treating on the pecuniary depression which existed in the state, and which he submitted to the consideration of the legislature. The criminal law and the judicial system of the state, the subject of education, and the agricultural interests of the state were dwelt on. It was suggested whether it would not be wise to improve the facilities which the state presents for internal improvements. On the subject of the tariff, the following remarks were made :

"The system of protecting duties which occupied the attention of congress at the last, and which will probably be urged upon their consideration at the present session, may well deserve your serious reflection. It is the duty of every member of the confederation to have their full weight of council and advisement in all great measures of national policy. There is too much reason to believe that the proposed tariff will prove to be highly impolitic, unequal, and oppressive. It is not the intention to enter into the argument which has been so ably managed by others, but suggest the subject to your careful and impartial consideration."

MOBILE.—A great fire broke out in this city on the 21st of September. Two thirds of the business part of the town was destroyed, and the loss estimated at more than a million of dollars. \$500,000 worth of property was insured in the N. Y. offices. The houses destroyed by the fire amounted to one hundred and sixty-nine, exclusive of back buildings or out-houses, and much damage was also done to the wharves. About seven eighths of the buildings destroyed were of wood.

TARIFF.—In January, 1828, the legislature adopted a remonstrance to the congress of the United States, against the power to protect certain branches of domestic in-

dustry, and also against the policy of the measure. It states that they "do not complain of the power to raise revenue or regulate commerce ; nor do they complain of the incidental protection that may result from a well adjusted 'tariff,' imposed on the importation of foreign goods, with a view to revenue alone ; nor yet of the occasional inequalities that must attend the operation of any general system. But they complain of the assertion of a different power ; of the power to impose a duty on any article of foreign commerce ; not because we want revenue, or the regulations of commerce, as such, require improvement ; but because we want to exclude the foreign in favour of the domestic fabric." They contend that such a power is not granted in the constitution, and must be sustained, if at all, by the pliable doctrine of implication ; and as it is not necessary to the power to raise revenue or regulate commerce, it cannot be sustained as an incidental or implied power ; on the contrary, it is a substantial, distinct power, resting on assumption and fraught with danger.' In the concluding paragraph of the remonstrance they observe, "Let it be distinctly understood, that Alabama, in common with the southern and southwestern states, regards the power assumed by the general government to control her internal concerns by protecting duties beyond the fair demands of the revenue, as a palpable usurpation of a power not given by the constitution, and the proposed woollens bill, as a species of oppression little less than legalized pillage on the property of her citizens, to which she can never submit until the constitutional means of resistance shall be exhausted."

March, 1828.—**UNIVERSITY.**—On the 22d instant the trustees of the university of Alabama selected as a site, whereon to erect the buildings of this institution, the place known as Mair's Spring, situated on the main road leading in a direction towards Huntsville, and distant from the town

of Tuscaloosa, one mile and a half. The site selected is a part of the land originally granted by congress to the institution. The site is high and healthy; it is in the immediate neighbourhood of the quarry, from which most of the beautiful stone used in building the basement stories of the state capitol and bank, has been obtained.

FIRE.—The theatre at Mobile, in the state of Alabama, was consumed by fire on the first instant. Mr. Ludlow, the manager, was not only the principal stockholder in the theatre, but lost the whole of an extensive and valuable wardrobe.

MILITIA.—According to the latest returns received at the department of war, pursuant to the act of March 2d, 1803, the militia of the state amounted to 23,000.

December, 1828.—On the 18th of this month, Governor Murphy sent his message to the legislature. Among the subjects alluded to in the message was the tariff lately passed by congress, and which he particularly recommended to the consideration of the legislature.

That part of his message was referred to a select committee, which reported resolutions against the tariff as impolitic, unjust, and unconstitutional, together with a preamble containing the argument against the policy. These resolutions were passed and transmitted to congress, and were entered on the journal of the senate, February 28th, 1829. They are as follows:

Resolved, by the senate and house of representatives of the state of Alabama, in general assembly convened, That the tariff of 1828, is, in its operation, impolitic and unjust, producing the most unhappy effects on the interests of the great body of our citizens, by its exclusive bearings on them; prostrating agriculture, commerce, and navigation, while it cherishes and elevates manufactures; and which is an exercise, on the part of the general government, of a power not delegated by the constitution un-

der which we live, and too well calculated to disturb the harmony of the union.

Resolved, That all duties imposed by congress on imposts, not for revenue, but to control the industry of the country, are contrary to the spirit of the constitution.

Resolved, That when the general government transcends the power delegated to it by the constitution, the legitimate mode of opposition, becoming the dignity of a sovereign state, is, by respectful remonstrance, until argument and entreaty are exhausted; and that open and unqualified resistance, should be the last and desperate alternative between submission on the one hand, and the liberty of the people on the other.

Resolved, That our senators in congress be instructed, in the name of the state of Alabama; to record on the journals of that body, a solemn protest against the tariff act of 1828, as unconstitutional, unjust, unequal, and oppressive in its operation.

Resolved, That the governor be requested to forward to each of our senators in the congress of the United States, a copy of the foregoing remonstrance and resolutions.

January, 1829.—William R. King was re-elected, without opposition, to be a senator of the United States from the state of Alabama, for six years from the 30th day of March next, when his pretent term of service will expire.

Resolutions were introduced proposing to the citizens of this state, at the next general election, a change to the constitution of the state of Alabama, so as to have biennial, instead of annual sessions of the legislature; also to limit the tenure by which the several judges of this state hold their offices to six years, instead of the present tenure.

October.—Gabriel Moore was elected by the people of the state of Alabama, to be governor of that state, of which he has for several years past been one of the representatives to congress, without opposition, and R

E. B. Baylor, Clement C. Clay, and Dixon H. Lewis, were elected representatives to congress.

INDIANS.—A constitution was adopted by the Cherokee Indians at a convention held at New Echota on the 26th of July, 1827. The constitution commences by designating the boundaries of the Cherokee nation, beginning on the north bank of the Tennessee river, at the upper part of the Chickasaw Old Fields, &c. The lands are to remain the common property of the nation, but the improvements made thereon are to be the exclusive and indefeasible property of the citizens who made, or may be rightfully in possession of them. The power of the government is to be divided into three distinct departments—the legislative, executive, and the judicial. The legislative power to be vested in two distinct branches—a committee and a council; and both to be styled, “The general council of the Cherokee Nation.” The nation is laid off into eight districts; the committee to consist of two members from each, and to be chosen for two years; the first election to be held on the first Monday in August, 1828. The gen-

eral council to be held once a year, at New Echota.

The executive power of the nation to be vested in a principal chief, who shall be chosen by the general council, and shall hold his office for four years. Three councillors are to be annually appointed to advise with the principal chief in the executive part of the government, &c.

The judicial powers to be vested in a supreme court, and such circuit and inferior courts, as the general council may from time to time order and establish. The supreme court to consist of three judges. All the judges are to be appointed for four years. No minister of the gospel is to be eligible to the office of principal chief, or to assist in the general council. Religious freedom is secured. Sheriffs are to be elected in each district by the qualified voters, and to hold their office for two years. A marshal to be appointed by their general council for four years; his jurisdiction to extend over the whole Cherokee nation. The right of trial by jury to remain inviolate. For a more particular detail of its provisions, vide public documents 2d part.

MISSISSIPPI.

BLOODY RENCOUNTER.—The following is an account given in the New Orleans Argus, of a bloody affair that took place near Natchez, on the 19th October, 1827.

Doctor Maddox, invited Mr. Samuel L. Wells, without the limits of the state of Louisiana; they met at Natchez on the 17th; on the 18th, Wells was challenged by Maddox; the 19th was appointed for the day of combat, and the first sand beach above Natchez, on the Mississippi side, for the place of meeting. They met, exchanged two shots without effect, and then made friends. While the combatants and friends were retiring from the ground, Wells invited Maddox, his friend, col. Crane, and surgeon, Dr. Denny, to the woods, where

his friends, who were excluded from the field, were stationed, to take some refreshment. Crane objected, and stated as his reason, that there were certain men among them that he could not meet. Wells then assented to go where Maddox's friends were stationed in the woods, who were also excluded from the field; when about half way, they were met by the friends of Wells, viz: Mr. James Bowie, general Cuny, and T. J. Wells. General Cuny on meeting them observed to colonel Crane, that it was a good time to settle their difference. Crane had a pistol in each hand, which he was carrying to the woods—he immediately put himself in an attitude of defence. He observed Bowie with a drawn pistol, he therefore shot him

first, wheeled round and shot Cuny. Bowie did not fall, but Cuny did, and expired in about 15 minutes. Bowie exclaimed, Crane you have shot me, and I will kill you if I can. They both fired simultaneously—Bowie's fire was without effect. After Bowie made the above declaration to Crane, he drew a large butcher-knife and endeavoured to put his threat in execution, but was prevented by a blow from Crane, with the butt of his pistol, which brought him to his knees: before he recovered, Crane got out of his way. Bowie then discovered major Wright, who had arrived from the woods at the scene of action, in company with the two Blanchards. Bowie exclaimed to Wright, you d—d rascal, don't you shoot. Wright observed, that he was not afraid of him, and levelled his pistol—they both fired: Bowie's shot struck Wright in the side, which went through him; Wright's fire was without effect—it struck a snag that Bowie was behind. After firing, they both advanced on each other, Wright with a sword cane, and Bowie with a large butcher-knife. Bowie stabbed Wright through the arm in two places, he then left him and went to Alfred Blanchard—made three stabs at him, one of which struck him in the left side; he then left Blanchard and returned to Wright, and gave him a stab in the breast, which went to his heart; he died instantly. Bowie was fired at twice by Alfred, and once by C. H. Blanchard, when engaged with Wright, and once when engaged with A. Blanchard. One of the shots struck him in the thigh, which brought him down; he fell a short distance from Wright. A. Blanchard was shot

through the arm by T. J. Wells.—Major McWorter took a deliberate shot at C. H. Blanchard, seven or eight paces distant, but it was without effect. The only injury Bowie received from Wright, was one or two slight wounds with a sword cane.

1827.—Gerard C. Brandon, was elected governor, and Abram M. Scott, lieutenant governor.

Many complaints have been made in this state, that droves of slaves, "negroes and vagabonds," from the jails and penitentiaries of Maryland and Virginia are introduced into this state. There is no doubt but that the very worst of the coloured population has long been passing to the south-west.

1828.—*Sept.*—Thomas Hinds, was elected representative to congress. The votes were for Hinds, 4,566; Dickson, 2,496; Hail, 1,407, and Birgaman, 1,930.

1829.—*February.*—Thomas B. Reed was elected a senator in congress, for the state of Mississippi, for six years from the third of March next, in the place of Thomas H. Williams, who declined a re-election.

STATISTICS.

AREA.	ACRES.
Extent of the "Old Natchez District," the title to which was extinguished previous to the acquisition of the territory of the United States,	2,031,000
Acquired since of the Indians, by treaty,	12,475,000
Still claimed by the Choctaws and Chickasaws,	15,700,000
Total area of the state in acres,	30,206,800
In square miles,	45,760
Greatest length, in miles,	339
Greatest breadth do.	150
It will be perceived by the above, that more than one half of the lands of the state is still in possession of the Indians; and, it appears, that nine tenths (in round numbers) of the balance, still belong to the United States.	

LOUISIANA.

July, 1828.—ELECTIONS—Mr. Derbigny was elected governor by an overwhelming majority; and Messrs. White, Gurley, and Overton, were elected members of congress. The first, by a majority of 607 over Mr. Livingston; the second by a majority of 44, and the third by a majority of 229 over Mr. Brent.

November.—The Jackson electoral ticket succeeded by a majority of 527 votes. In New Orleans the votes were 747 for Jackson, and 665 for Adams.

SUGAR AND MOLASSES.—The following table, prepared by an individual who visited personally every sugar plantation in the state, exhibits the amount of sugar and molasses made in the several parishes in 1828:

Parishes.	Hhds. Sugar.	Hhds. Molas.
Point Coupee,	535	242
West Baton Rouge,	883	420
East Baton Rouge,	558	260
Iberville,	2,249	998
Ascension,	6,576	3,055
St. James,	8,278	3,633
St. John the Baptist,	9,000	3,851
St. Charles,	15,717	7,309
Jefferson,	12,696	5,918
Orleans,	2,787	1,164
St. Bernard,	7,656	8,614
Plaquemines,	7,692	3,354
Attakapas and Opelousas,	6,515	2,814
Bayou Lafourche,	5,913	2,757
Barataria,	1,010	485
Total	87,965	39,874

The most extensive plantation in the state is that which belongs to General Wade Hampton, there having been produced upon it during the year 1,640 hhds. of sugar, and 750 hhds. of molasses. The next largest amount produced was 999 hhds. sugar, and 415 hhds. molasses, on the estate of Mr. Labranche, ten miles above New Orleans. Several other estates produced upwards of 900 hhds. of sugar.

July, 1828.—The militia amounted, according to returns received at the department of war, to 12,274.

February, 1829.—Edward Livingston was elected a United States senator at the 5th balloting.

The following was the state of the vote on each:

	First ballot.	2d	3d	4th	5th
Livingston,	20	27	29	29	32
Bouligny,	17	16	15	9	12
Johnson,	15	16	15	21	15
Butler,	7	2	2	—	—
Bowie,	2	1	1	—	—
Blank votes,	1	—	—	3	3

LEGISLATURE.—The house of representatives of this state consisted of 50 members—of whom 26 were “Creoles,” or natives—4 each natives of S. Carolina, Kentucky, Virginia, and France, 2 each of Mississippi, New York, and Georgia—1 each of Maryland and Bahama islands. Of whom 32 are planters, 12 lawyers, 3 merchants, 1 reg. of mortgages, 1 physician, and 1 of no profession or business.

SLAVES.—There was a rising of the slaves on certain plantations about 40 miles from New Orleans, “up the coast.” It created a general alarm, but was speedily suppressed, and two of the ringleaders hung.

1828.—NEW ORLEANS.—Mr. Rofinac, mayor of the city, on the expiration of his term of office, addressed a memoir to his constituents, on the affairs and prospects of that capital.

The population, depending on the commerce of the southwestern states, had doubled in every ten years since 1794. The shipping had increased from 144,179 tons in October, 1822; to 204,460 in October, 1827. The city debt was then \$253,600, and the expenses 171,000; and the revenue 200,379, from 119,000 in 1820. The improvements in the city have amounted, by an account rendered in 1825, and since that time, to \$855,437, and their further prosecution, in streets, roads, canals, &c., was strongly recommended.

EXPORTS

OF COTTON AND TOBACCO FROM THE PORT OF NEW ORLEANS, DURING THE LAST SEVEN YEARS,

Commencing 1st October, and ending 30th September, in the years given.

	Bales of Cotton.							Hhds. of Tobacco.						
	1827-8	1828-9	1829-30	1830-1	1831-2	1832-3	1833-4	1834-5	1835-6	1836-7	1837-8	1838-9	1839-40	1840-1
Whither exported.	142,546	193,539	116,918	101,904	61,624	100,685	64,547	5,400	2,832	1,889	3,008	2,782	6,506	2,371
Great Britain, . . .	66,425	60,101	63,760	33,634	34,424	35,789	33,557	382	770	2,661	76	154	40	37
France, . . .	8,215	9,279	4,500	773	146	5,004	2,440	6,526	4,183	2,102	1,102	4,217	8,178	5,614
North of Europe, . .	1,379	137	137	930	930	359	4,146	4,304	2,763	2,590	2,590	4,139	1,971	1,324
Other foreign ports, .	86,283	66,763	66,609	69,046	46,519	39,594	51,430	18,509	16,022	11,331	10,073	14,618	12,666	14,639
Coastwise, . . .	304,848	329,682	251,924	204,557	143,943	171,431	150,030	35,111	26,570	18,480	16,849	25,910	29,361	21,995
Total, . . .														

Bales cotton.

The stock on hand, June 5, 1829 was 80,186
 1828 26,332
 1827 69,109
 1826 59,031
 1824 (only) 13,375

Exports of sugar and molasses, from
 the port of New Orleans, commen-

cing 1st October, 1827, and end-
 ing 30th September, 1828.

Whither exported.	SUGAR.		MOLASSES.	
	hhd.	bb.	hhd.	bb.
New York,	16,347	95	9,116	922
Philadelphia,	9,084	877	1,567	316
Charleston, S. C.	2,376	82	669	86
Savannah,	754	59	579	112
Providence, R. I.	283	4	892	91
Boston,	4,238	83	1,928	362
Baltimore,	4,139	348	1,069	383
Norfolk,	1,005	48	379	74
Wilmington, N. C.	80	—	70	—
New Haven,	—	—	450	—
Richmond, Va.	410	—	270	—
Bristol, R. I.	57	60	1,051	110
Alexandria, D. C.	230	100	50	5
Portland, Me.	30	—	209	40
Newburyport,	20	—	—	—
Newport, R. I.	20	—	130	4

Total, 39,063 1756 18,429 2505

Exports of sugar from the 30th Sep-
 tember, 1828, to June 5, 1829—53,382
 hhd. and 1867 bbl. and 20,276 hhd.
 and 7500 bbl. molasses. Nearly one
 half of the whole quantity of both arti-
 cles to New York—9974 hhd. of su-
 gar, and 1828 of molasses to Phila-
 delphia, and 7702 of sugar and 1612
 of molasses to Baltimore; and of both,
 in lesser quantities to Boston, and
 other of the Atlantic ports.

Arrivals of tobacco, for same pe-
 riod:

To 5th June, 1829	21,588 hhd.
1828	24,768
1827	28,883
1826	17,059

The sugar exported in the present
 season was about 53 or 54 millions of
 pounds, and the molasses were more
 than two millions of gallons—the du-
 ties on which, if imported, would have
 amounted to \$1,800,000.

February.—The government house
 and other valuable buildings, were de-
 stroyed by fire on the night of the 2d
 ult. The archives of the state, and
 the books and papers of the treasur-
 er's office, &c., were mostly saved;
 but the city library completely de-
 stroyed. It was supposed that this
 was the act of an incendiary, combusti-
 bles and trains having been discovered
 in many houses.

Several persons perished in this
 fire, and the loss of property was esti-
 mated at between 250 and 300,000
 dollars. Some persons supposed to

be incendiaries, were arrested, and one of them turned state's evidence, and disclosed all the plans of his associates.

March, 1829.—An ordinance was passed by the city council, prohibiting the exposition for sale in the centre of the city of slaves imported from Maryland, Virginia, and Carolinas.

May.—This month the governor of Louisiana, issued an order prohibiting the state convicts under sentence of hard labour, and confined in the state prison, from being employed in repairing the streets of the city. This order brought on a correspondence with the city authorities which resulted in its suspension. This practice had existed in that city many years, and the late prohibition was supposed to have been occasioned by a wish on the part of the governor to screen a man named Gayarre, a member of an

extensive and influential family, convicted of murder, in taking the life of his mother-in-law. The governor's first order created great excitement in the city, and his retraction of it was, perhaps, owing to that circumstance.

July, 1829.—One vessel arrived at New Orleans, with passengers from Mexico, brought also from 800,000 to 1,000,000 dollars, in specie. This was one of the effects of the edict for expelling the old Spaniards.

The number of old Spaniards in the city of New Orleans, who have left Mexico in consequence of the late act of expulsion, was this month estimated at more than two thousand! The New Orleans Advertiser states that many of them were in a state of affluence, while others suffered much from poverty.

TENNESSEE.

August, 1827.—ELECTIONS.—Samuel Houston was elected governor, by about 10,090 votes over his competitor, Newton Cannon.

October.—LEGISLATURE.—On the 19th of this month, Mr. Brown introduced the following resolutions, which were read and passed:

"Resolved, by the general assembly of the state of Tennessee, That the constitution of the United States should be so amended as to give the election of president and vice-president directly and conclusively to the people, preserving the present relative weight of the several states in the election.

Resolved, That the measures of the present administration of the general government are injurious to the interests, and dangerous to the liberties of the country.

Resolved, That the surest remedy of these evils, now in the power of the people, is the election of Andrew Jackson to the chief magistracy of this union."

At this session of the Legislature *Hugh L. White* was elected a senator in congress, for six years, from the fourth of March, 1829.

This re-appointment of Mr. White to the senate of the United States, the period of his present service not expiring until 4th of March, 1829, was pretty severely opposed in the senate. It was justified on the ground, that as the legislative body would, after its adjournment, not be again in session until September, 1829, (meeting only biennially,) that it was proper to provide for the vacancy which would occur after the 4th of March of that year; but the proposition was opposed because that congress would not be in session in the interval, and that an appointment made in September, 1829, would be in season for the opening of congress, in 1829.

CURIOUS CHANGE OF NAMES.—The following singular application was made to the legislature of Tennessee at this session:

"Mr. M'Gabee introduced a bill to

alter the name of *Susannah Cremer* to *William Cremer*, which was read the first time and passed.—[The petitioner had been considered a woman, and had worn female clothes upwards of 20 years, and had borne a female name. In 1825, petitioner changed his *habits*, went to Virginia, married a wife, and is now living in Green county.]

November.—**BANKS.**—The bank of the state of Tennessee, located at Nashville, appeared by a report made to the legislature, to possess an available capital of \$573,453, besides deposits; and its paper actually out, the accommodation notes done by it, and the debts which it owes, amount to \$589,745. Its available capital, chiefly arising from the sale of lands, is constantly increasing.

June, 1828.—**HURRICANE.**—Great ravages were made by a hurricane in Smith county, Tennessee, on the night of the 29th ult. Its course was from west to east, and it swept from the face of the earth every thing before it. The crops of corn and cotton were much injured, many houses were blown down, but no lives lost.

December.—The total number of votes taken at the late election of electors, in the state of Tennessee was, for Gen. Jackson, 44,293—for Mr. Adams, 2,240. In several of the districts not a vote was given for any but the Jackson candidate.

April, 1829.—On the 16th of this month governor Houston resigned the office of governor of the state. According to the constitution of Tennessee, in case of the death or resignation of the governor, the speaker

of the senate succeeds him. Accordingly, William Hall, speaker of the senate, took the oath of office on the same day, and became governor.

May 30th.—**NASHVILLE.**—An article in the last Nashville Republican, illustrates, in a remarkable manner, the progressive improvement and prosperity of that town. In 1809 a solitary barge of 60 tons, and thirty-five men, wound its "laborious way" up the Cumberland river, and arrived at that place, to the joy and astonishment of the inhabitants. The people flocked from all the adjacent parts of the country, to see "the barge." The important event was formally announced in the newspapers, and the whole country rang with the intelligence. There are now ten steam boats, some of them of the largest class, employed in the Nashville trade. In 1809 there was but one dray in the town. They have now sixty.

July 4th.—On this day the secretary of state presented to William Carroll a sword, in pursuance of a resolution of the legislature, adopted at the session of 1826, on account of the high respect entertained for his military services. The sword was completely mounted with gold, finely wrought; and the inscriptions on the blade were executed with equal distinctness and elegance. On one side were the words—"Presented by the state of Tennessee to major general Carroll, as a testimony of high respect for his services." On the other—"New Orleans, 8th of January, 1815. Talhadega, Emuckfaw, Enotorkopco, and Tehopeka."

KENTUCKY.

July, 1827.—The state was visited with a destructive storm. It commenced raging about 8 P. M. and continued till 4 or 5 in the morning. In Lexington, the water formed a perfect river in the streets, and the damage, in this town alone, was estimated from 8,000 to 10,000 dol-

lars. The Kentucky river, it is said, rose thirty feet perpendicularly, in the course of three or four hours, and every mill-dam and bridge, for many miles around, were swept off.

December.—The legislature convened, and Mr. John Speed Smith was elected speaker of the house

of representatives. Messrs. Blackburn and Ward had each 47 votes; and then again 48 votes. Seven or eight balloting were had, with the same result. Mr. Ward was then withdrawn, and Mr. Smith named, and the ballot stood 48 to 48. An additional member having arrived, decided the choice, in favor of Mr. Smith, an opponent of the administration.

The legislature, at this session, passed a law, both parties concurring, to substitute a general ticket, for the district system, in choosing presidential electors.

Messrs. Chilton and Calhoun, who had been opposing candidates for a seat in congress, both resigned their claims to the seat, and agreed to try the result of another election, at which Mr. Chilton was elected.

August, 1828.—Thomas Metcalfe, a friend of the federal administration, was elected governor of the state, by a majority of 709 votes. The votes were, for Metcalfe, 38,940, for William T. Barry, 38,231. Mr. Breathitt, an opponent of the administration, was elected lieutenant governor, by a majority of 1087 votes, over Mr. Underwood his competitor.

LOUISVILLE.—During 1828, 4,100 hhds. of sugar, and 8,500 bbls. or bags of coffee, were received at this inland port, worth, together, about \$600,000. Such was the reduced cost of freight, from competition, that sugar, coffee, and tea, and groceries in general, had a small advance only, over their prices in New Orleans, Philadelphia, and Baltimore. Good sugar of the new crop, sold at Louisville for $7\frac{1}{4}$ to $7\frac{1}{2}$ cents per lb. by the single barrel. In 1825-6, 2,050 hhds. of tobacco were deposited at Louisville, 4,354 in 1826-7, and 4,075 in 1827-8.

By the 4th annual report of the president and directors of the Louisville and Portland canal company, it appears, that about \$200,000 were expended on this great work during the past year—in all 384,071; and to complete the canal will cost 246,642 more. The canal will be only two

miles in length, but being intended for the passage of the largest class of steamboats, the locks are of an enormous size. The guard lock at the head of the three combined lift-locks, being 210 feet long, 50 wide, and 42 deep; the lift-locks are of the same length and width, 20 feet high, and with a lift of 9 feet each. Most of this canal is made through hard and solid rock. The arrivals of steamboats at Louisville, were 267 arrivals, and 48,744 tons in 1827; and in 1828, about 60,000. The canal at Louisville, will overcome the principal difficulty in the navigation of the Ohio.

December, 1828.—A bill passed the legislature, at this session, in relation to duelling, changing the existing law in some respects. It makes it perjury for any person holding an office, having taken the oath prescribed, to give, accept, or carry a challenge, without first resigning his office; or, if an attorney, entering a record of his withdrawal from practice.

KENTUCKY STOCK.—The following is an estimate of the stock which passed the turnpike gate, at the Cumberland Gap, in 1828:

Horses for market,	3412	\$307,080
Mules,	3228	224,970
Hogs,	97455	584,730
Sheep,	2141	4282
Stall-fed beef cattle,	1525	45750

Probable value, \$1,167,302

William Owsley and Benjamin Mills, the associate judges of the court of appeals, having resigned their offices, but being willing to resume them, if re-appointed, governor Metcalfe re-nominated them to the senate, on the 8th inst. The nominations were rejected on the same day, by a vote of 20 to 18, which, it appears, was a party vote, every member of each party going the whole.

CONVENTION.—A bill proposing a convention, was rejected in the same body, by a vote of 21 to 17.

KENTUCKY STATE SOCIETY.—A large number of citizens of Kentucky, embracing many members of the legislature, met in the senate chamber, at Frankfort, on the 30th ult. to take

into consideration the propriety of forming a state society, auxiliary to the American Colonization Society ; Mr. Quarles, speaker of the house of delegates, in the chair.

Several gentlemen addressed the meeting, explanatory of the origin, objects, and prospects of the society ; when, on motion of Mr. John Pope, the following resolution was adopted :

Resolved, That in the opinion of this meeting, the objects of the American colonization society are such, as must be approved by humanity, and an enlightened patriotism ; that its scheme is one calculated to relieve the citizens of this commonwealth from the serious inconveniences resulting from the existence among them of a rapidly increasing number of free persons of colour, who are not subject to the restraints of slavery, and that, for these reasons, it is desirable that an auxiliary state society be formed in Kentucky, to co-operate with the parent society at Washington, and that a committee of five be now appointed, to draft a constitution, which shall be submitted to a general meeting, to be held in the Methodist meeting house, in this town, on Friday, the 9th of January next, at 3 o'clock, P. M.

Messrs. John Pope, Daniel Mayes, Adam Beatty, James W. Denny, and Samuel Daviess, were appointed a committee, pursuant to said resolution, and the meeting adjourned.

January, 1829.—George M. Bibb was appointed a senator of the United States from the state of Kentucky, to succeed R. M. Johnson, whose present term of service expired on the 3d day of March 1829. Mr. Johnson was not in nomination. The opposing candidate was Burr Harrison ; and the vote between them in joint meeting of both branches of the legislature, gave 83 votes to Mr. Bibb, and 50 votes to Mr. Harrison.

Mr. Bibb had been chief justice of the state, which office he resigned on the morning previous to his election as senator.

George Robertson and Joseph R.

Underwood were appointed associate judges of the court of appeals. As the chief justice (Mr. Bibb) was chosen a senator of the United States, the whole bench was re-organized.

Thomas T. Crittenden was appointed secretary of the commonwealth, in the place of Mr. Robertson appointed judge.

The legislature adjourned on the last Thursday of January. Previous to the adjournment, the governor nominated Joseph R. Underwood to fill the office of chief justice, the senate however refused to consider it by a vote of 21 to 16, consequently the state was left without a chief justice till the next session of the legislature.

March.—**PETROLEUM.**—In boring through rocks, in Cumberland county, for salt water, a fountain of petroleum or volatile oil was struck at the depth of about 180 feet. When the auger was withdrawn, the oil rushed up 12 or 14 feet above the surface of the earth, and it was estimated that about 75 gallons were discharged per minute, forming quite a bold stream from the place to the Cumberland river, into which it discharged itself. Falling into Cumberland river, the volatile oil covered a considerable portion of the surface of the stream for many miles below.

British oil, which is extensively used as a medicine, is manufactured of petroleum.

SALT.—In the same neighbourhood in which this fountain of petroleum has been discovered, Dr. John Croghan succeeded, by boring, in obtaining an abundant supply of salt water, at a depth of more than 200 feet, which rose about 25 feet above the ordinary level of the Cumberland river. The works, it is said, will prove highly beneficial to the surrounding country, and profitable to the enterprising proprietor.

May.—The Transylvania university, at Lexington, was destroyed by fire on the night of the 9th inst., with the whole of its law library, and about one half of the academical library. The smaller buildings adjacent were

saved. There was an insurance on the property to the amount of 10,000 dollars. The buildings attached to the university, and which were not burnt, were sufficient for the accommodation of the students till the erection of the principal building, and

to effect which, measures were immediately taken. The first cost of the building destroyed was \$29,000—on which 10,000 were insured; and the loss of books and other property is estimated at from 8 to 10,000 dollars.

OHIO.

1827.—CENSUS.—It appears, from a recent census of the state of Ohio, that the whole number of white male inhabitants above the age of twenty-one years, in 1827, was as follows:

In 1827	145,745
1823	124,624
Increase in four years	21,110

December.—TOBACCO.—Four commercial houses in the counties of Muskingum, Knox, and Licking, in July last, sent off to the eastern market about 1,600 hogsheads of tobacco, which constituted, however, but a part of that raised during the past season in those three counties. One thousand of these were sent across the mountains, the remainder by the lakes and Erie canal to New York, and thence to Baltimore; and this too at a less expense than was incurred for that, which was forwarded direct to that city by the way of Wheeling. The quality of the Ohio tobacco is such as to command for it a fair price that fully repays, the growers of that article. It has been stated, that should the present price be reduced 25 per cent. the raising of tobacco would still be a more profitable business in Ohio than the growing of bread stuffs, at the prices they have borne for the last seven years.

IRON.—In the vicinity of Portsmouth, there are nine blast furnaces, and six forges. The Ohio iron is said to be of the best quality, and the ore is "exhaustless." Each furnace employs about 50 men, besides five or six strong teams, and will make from 5 to 700 tons of metal a year.

LEGISLATURE.—The legislature of this state assembled at Columbus on

the same day that congress met. In the senate, thirty-three members being present, Mr. Wheeler a friend of Mr. Adams' administration was chosen speaker, by a majority of eight votes. In the house of representatives, sixty-nine members being present, Edward King, was chosen speaker, by a majority of twelve votes.

The legislature consists of thirty-six senators, and seventy-two representatives, who receive each three dollars a day. It was mentioned as a gratifying circumstance, that two members of this legislature were natives of the state. It is said that the whole number of natives of the state, who had been members of the legislature, was six.

Statistics calculated for 1828.

Acres of land,	15,733 510 and
Valued at	\$41,344 520
State tax,	\$187,906 69
County tax,	\$199,455 30
Road tax,	\$6,315 83
Township tax,	33,910 08
School tax,	8,821 85
Total of taxes,	\$498,481 51

In the state are 151,042 horses, valued at \$5,644,300; 308,947 cattle, valued at \$3,003,558; and 160 carriages, valued at \$24,218.

Merchants, capital in the state is estimated at \$3,492,755 cotton. Some good cotton was raised in Belmont county in 1827, and it was thought the cultivation of it would become extensive.

January, 1828.—HIGH WATERS.—The Ohio, within this month, was at several points, from 24 to 30 feet above low water mark.

February.—The legislature, to whom was communicated the resolu-

tions of the state of South Carolina, denying to the general government the power to appropriate money for roads, canals, &c., or to lay duties to protect American manufactures, passed resolutions, which were laid before congress, and transmitted to the governors of the several states, expressive of their solemn dissent to the doctrines contained in those resolutions.

September.—ELECTIONS.—Allen Trimble was elected governor. The votes were for Trimble 53,981, and for J. W. Campbell 51,861

REPRESENTATIVES TO CONGRESS.—The following gentlemen were elected: Mordecai Bartley, Joseph H. Crane, William Creighton, James Findlay, John M. Goodenow, William W. Irwin, William Kennon, William Russell, William Stanbery, James Shields, John Thompson, Joseph Vance, Samuel F. Vinton, and Elisha Whittlesey.

December.—The official returns of the votes for presidential electors, show the following result:

For the Jackson electors,	67,596
Adams,	63,456
Jackson majority,	4,140

SENATOR.—Jacob Burnett, esq. one of the judges of the supreme court of the state, was elected a senator of the United States, in the place of gen. Harrison, resigned. The vote was for Mr. Burnett (ad.) 56, John W. Campbell (J.) 50, and 2 scattering. It appears that the minority in the senate, by absenting themselves, defeated the election of the senator at the time first appointed to make a choice.

January, 1829.—OHIO MILITIA.—The last returns of the militia of the state of Ohio, exhibit the following respectable aggregates:

Infantry and grenadiers,	84,164
Light infantry,	5,755
Riflemen,	15,434
Cavalry,	4,238
Artillery,	2,192
Total,	111,783

INTERNAL TRADE.—There were

437 arrivals of vessels at the port of Sandusky, (located in the wilderness during the late war,) during the last year, and 1623 wagons were loaded there with goods for different parts of the interior of Ohio, and other western and southwestern states. Vast supplies from New York are distributed from this depot.

February.—Joshua Collet was elected supreme judge of the state court, in the place of judge Burnet, resigned, and George B. Holt elected president judge of the first judicial court, in the room of Mr. Crane, resigned.

May.—DEBATE.—A debate, between the celebrated Mr. Owen and the rev. Mr. Campbell, originating in a public challenge, given by one party and accepted by the other, began on the 13th inst., and lasted nine days; ending, as might have been expected, where it begun. The audience, each day, is said to have comprised twelve hundred persons, many of whom were non-residents of the town, attracted thither by curiosity, to hear the debate. According to the Cincinnati Chronicle, Mr. Owen got much the worst of the debate.

July.—George Swan was appointed a judge of the supreme court of the state of Ohio, to succeed C. R. Sherman, deceased; and Frederick Grimke was appointed to the seat on the bench, vacated by the promotion of judge Swan.

CINCINNATI.—This city increases rapidly in wealth and population. During the year 1827 there were inspected at it 18,000 bbls. of whiskey, 9,000 bbls. of flaxseed oil, and 58,554 bbls. of flour; and it is estimated there were 15,000 bbls. not inspected. On the 7th of May, 1829, it was visited by a destructive fire; about twenty houses were destroyed, and the loss was estimated at \$50,000.

TREASURY.—The balance in the treasury, on the 15th November, 1826, was \$62,746.58.9.

The amount received for taxes during the year ending 15th November, 1827, including the amount received for the redemption of lands sold for

taxes, is \$126,435.72.6, making a total of \$189,182.31.5; of this amount there was paid for the redemption of audited bills, drawn in favour of the Miami and Western Reserve road; and loaned to the Ohio canal the sum of \$134,707.39.2; leaving a balance of revenue in the treasury of \$54,474.92.3. To this, add the balance of three per cent. fund, and of the United States school fund, and deduct the amount of the expenditures, and the balance in the treasury will be \$57,223.65.2. The Ohio canal was also indebted to the state, for money loaned in the sum of \$45,583.09.

PENITENTIARY.—The following is an exposition of the affairs of the Ohio penitentiary, from the 15th Nov. 1826, to the 15th Nov. 1827, as made by the auditor of the state :

By the annual report of the keeper of the penitentiary, the amount of manufactured articles, machinery, clothing, and raw materials, on the 15th November, 1826,	5,077 72 0
Machinery on hand, at same time,	3,819 20 0
Raw materials, provisions, do.	3,672 74 0
Horses, wagon, and farming utensils, do.	387 00 0
Debts due, by note and book accounts, after deducting the sum owing by the institution, on the 15th November, 1826,	11,344 73 0
Wood on hand, at the penitentiary, same time,	25 00 0
Cash on hand, do. do.	22 53 0
The amount of money drawn from the treasury, between the 15th November, 1826, and the 15th November, 1827,	10,074 43 0

The amount which stands charged to the keeper of the penitentiary, 34,423 35 0

The following items must be deducted, to show the actual state of the institution, to wit :

The amount of manufactured articles, on hand the 15th November, 1827,	4,518 97 0
Raw materials, do. do.	2,733 06 0
Machinery, do. do.	3,819 20 0
Provisions on hand, at same time,	255 67 0
Horses, wagon, do. do.	295 50 0
Amount of debts due by notes and book accounts, after deducting the sum owing by the institution on the 15th November last,	13,249 54 0
Amount of labour per-	

formed by convicts on the canal,	3,049 90 0
Spades, shovels, and wheelbarrows,	205 00 0
Wood delivered at the state house,	245 56 0
Wood on hand, at the penitentiary,	260 00 0

Total credit of the institution, 28,632 40 0

Balance against the institution, for 1827,	5,790 95 0
Making the total,	\$34,423 35 0

The amount of money in the hands of the keeper, on the 15th November, 1826, 22 53 0

The amount of money received from sales of manufactured articles, debts due the institution, and collected, which has been charged to him for the year ending as aforesaid, 2,962 25 3

The amount drawn from the treasury, for the last year, 10,074 43 0

Total amount of money in the hands of the keeper, the last year, 13,059 21 3

Deduct amount drawn from treasury, 10,074 43 0

The amount expended by the keeper, out of the sums in his hands, collected by him, as reported by the keeper, 2,984 78 3

Total cash expended by the keeper, for 1827, 13,059 21 3

00,000 00 0

CANALS.—The state has been vigorously engaged during the last two years in prosecuting her two great works of internal improvement. These works are the Ohio state canal, intended to open a communication from Cleaveland on Lake Erie to the Ohio, at the mouth of Sciota, length 306 miles, and of which an account is given in the Register for 1825 and 1826; and the Miami canal, the length of which is estimated at 265 miles, and which will open a communication from Cincinnati to the Maumee, near the head of Lake Erie. To assist in accomplishing these works, a donation was made to the state by congress at the session in 1827-28, of about 800,000 acres of land, which at the government price of \$1.25 per acre, will amount to one million of dollars. From the report of the board of canal commissioners, which was submitted to the legislature of the

state, on the 5th of January, 1828; it appears that the cost of that part of the Ohio canal which extends from the south end of the Licking summit level to Cleaveland, including the estimated cost of the Tuscarawas and White Woman feeders, was estimated at \$1,967,568.43. The total value of work actually performed on the Ohio canal from its commencement up to the 1st of December, 1827, estimated at contract prices, was \$1,085,068, leaving work to the estimated value of \$696,932 to be performed to finish that part of the canal put under contract. There had been paid to contractors up to the same date the sum of \$1,019,210.93; requiring the estimated balance of \$762,789.07 to finish this division of the canal. It was calculated by the commissioners that work had been actually performed on the Ohio canal, previous to the 1st of December, 1827, equivalent to the completion of 121 miles, of the same average cost with the whole line that had been put under contract; and that this work would have finished the canal from Cleaveland to the crossing of the Walhonding river had it been applied solely to that part of the line; and although the season of 1827 had been peculiarly unfavourable to the prosecution of the work, still the commissioners confidently expected, that the canal from the lake to the Licking summit would be ready for navigation as early as the spring of 1829.

Of the Miami canal, 44 miles had been completed during the past season from the head of Main street in Cincinnati to the mouth of the Miami feeder. Water was introduced into it about the first of July, and, after some difficulty, the canal was filled with water to a natural basin, six miles north of Cincinnati. On the 28th of November three fine boats,

crowded with citizens, left the basin, and proceeded to Middletown. The progress of the boats was at the rate of about three miles an hour. On the 26th of May, contracts were closed for the construction of the remaining division of the Miami canal, which begins at the mouth of the feeder, from Miami river, and terminates in a dam in Mad river, about one mile above Dayton. This division, to the dam, is 23 miles and 28 chains in length, and embraces ten locks, one aqueduct with a wooden trunk, three of heavy stone arches, with embankments of earth over them, and a dam across the Mad river. The payments made on the entire line within the year, ending on the 1st of December, 1827, amounted to \$258,525.79, which with the sum of \$297,296.98 previously paid, makes the total amount of payments to contractors on this canal, \$555,822.77. The total cost of the 44 miles from Cincinnati to the Miami feeder was \$457,669.68 or \$10,408.40, its average cost per mile. The original estimate of this division of the canal, including the dam and feeder, was \$474,254. The actual cost of the same including payments on account of the dam and feeder, was \$469,183.68. The estimated cost of the upper division of this canal under the contracts, is \$234,686.54; the work performed, agreeably to the certificates of the engineer, amounts to \$96,040.41, leaving work to be performed to the amount of \$138,646.13, to this is to be added \$3,000, which will be required to complete the dam across the Miami river. Awards have been made by the board of appraisers, in favour of individuals for damages sustained by the construction of the canal to the amount of \$5,011.54.

INDIANA.

September, 1828.—James B. Ray was re-elected governor. There were three candidates for the office, and the votes given in, stood as follows :

For James B. Ray,	15,141 votes.
Israel T. Canby,	12,305
Harbin H. Moore,	10,904

The following are the returns for representatives to congress : First district for Ratliff Boon, 7345 ; for Mr. Blake, his competitor, 7254 ; second district, Jonathan Jennings ; 6932 for Mr. Thompson, his competitor, 2521 ; third district, John Test, 6415 ; for Mr. M'Carty, his opponent, 4985. Of course Messrs. Boon, Jennings and Test were elected. The first district appears remarkable for the closeness of its votes. In 1823, the majority was 11 ; in 1824, 4 ; and in 1826, it was 21.

December.—The legislature convened on the 1st. The parties were nearly balanced. Isaac Howk was elected speaker of the house of representatives, by a majority of two votes, over S. Judah, Esq. On the 3d inst. governor Ray communicated his message to the legislature, speaking in very decided terms, in favour of what is called "the American system," and condemning the recent proceedings in the south, in opposition to it. He estimates the school lands in the state to amount to more than 600,000 acres, being a thirty-sixth part of all of the lands in the state ; and that public land has been obtained for the construction of roads and canals, worth one million two hundred and fifty thousand dollars. This land was granted for the construction of a canal to connect the navigable waters of the Wabash river, with those of Lake Erie ; and for the construction of a turnpike road between Lake Michigan and Ohio river. The canal from the Wabash to lake Erie, he observes, has been demonstrated to be practicable by skilful engineers. The expense is estimated at a little above

one million of dollars, which he thinks can be realized in time, from the lands granted by the general government, and recommends that a loan should be obtained for its present construction.

INTERNAL IMPROVEMENTS.—The following resolutions were passed by the senate :

Whereas, the friends of general Jackson in the western states advocate his election to the presidency of the United States, on the ground of his being friendly to internal improvements, and the advocate of a judicious tariff, for the protection of American manufactures ; and whereas, the friends of the same distinguished individual in Virginia, the Carolinas, Georgia, Tennessee, Alabama, and Mississippi, advocate his claims to the first office in the nation, on account of his opposition to the above measures or system of policy—therefore, for the purpose of enabling the citizens of Indiana to ascertain what are the real sentiments of general Jackson, and to give them an opportunity to vote *understandingly*, at the next presidential election, in reference to these great interests :

Resolved by the senate, that his excellency the governor, be requested to address a respectful letter to general Andrew Jackson, inviting him to state explicitly, whether he favours that construction of the constitution of the United States, which authorizes congress to appropriate money for the purpose of making internal improvements in the several states ; and whether he is in favour of such a system of protective duties for the benefit of American manufactures, as will, in all cases where the raw material, and the ability to manufacture it exist in our country, secure the patronage of our own manufactures to the exclusion of those of foreign countries ; and whether, if elected President of the United States, he will, in his pub-

lic capacity, recommend, foster, and support the American system.

Resolved, That his excellency the governor be requested, as soon as he receives the answer of general Jackson to the letter contemplated in the preceding resolution, to cause the same to be published, together with the resolutions, in the newspapers printed at Indianapolis.

To the above resolutions, general Jackson made the following reply:

Hermitage, Feb. 28, 1823.

Sir: I have had the honour to receive your excellency's letter, of the 30th ultimo, enclosing resolutions of the senate of Indiana, adopted, as it appears, with a view of ascertaining my opinions on certain political topics. The respect which I entertain for the executive and senate of your state, excludes from my mind, the idea that an unfriendly disposition dictated the interrogatories which are proposed.—But I will confess my regret at being forced, by this sentiment, to depart, in the smallest degree, from that determination on which I have always acted. Not sir, that I would wish to conceal my opinions from the people upon any political, or national subjects; but as they were in various ways promulgated in 1824, I am apprehensive that my appearance before the public, at this time, may be attributed, as has already been the case, to improper motives.

With these remarks, I pray you, sir, respectfully to state to the senate of Indiana, that my opinions, at present, are precisely what they were in 1823, and '24, when they were communicated, by letter, to doctor Coleman, of North Carolina, and when I voted for the present tariff and appropriations for internal improvement. As that letter was written at a time when the divisions of sentiment, on its subject, were as strongly marked as they now are, in relation to the *expediency* and constitutionality of the system, it is enclosed herein, and I beg the favour of your excellency, to consider it a part

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of this communication. The occasion, out of which it arose, was embraced with the hope of preventing any doubt, misconstruction, or necessity for further inquiry respecting my opinion on the subjects to which you refer; particularly in those states which you have designated as cherishing a policy at variance with your own. To preserve our invaluable constitution, and be prepared to repel the invasions of a foreign foe, by the practice of economy, and the cultivation *within ourselves*, of the means of national defence and independence, should be, it seems to me, the leading objects of any system which aspires to the name of "American," and of every prudent administration of our government.

I trust, sir, that these general views, taken in connexion with the letter enclosed, and the votes referred to, will be received as a sufficient answer to the inquiries suggested by the resolutions of the senate. I will further observe to your excellency, that my views of constitutional power, and American policy, were imbibed in no small degree, in the times, and from the sages of the revolution, and that my experience has not disposed me to forget their lessons: and, in conclusion, I will repeat that my opinions remain as they existed in 1823 and '4, uninfluenced by the hope of personal aggrandizement, and that I am sure, they will never deprive me of the proud satisfaction of having always been a sincere and consistent republican.

I have the honour to be, very respectfully, your most obt. servt.

ANDREW JACKSON.

LAND.—The following is a table showing the quantity of United States' land in the state of Indiana, and the manner of its appropriation:

The whole number of acres within the limits of the state of Indiana, to which the Indian title has been extinguished,	17,124,037
The whole number of acres to which the Indian title has not been extinguished,	5,355,632
	<hr/> 22,479,669

Disposed of as follows:

Allowed to private claims, 277,274

Donation to the Canadian volunteers,	64,640
Given to the state of Indiana and individuals prior to 1828,	48,640
Do. to do. by act of March, 1827,	384,000
Do. to do. by act of congress, for schools, being one thirty-sixth part of the whole land to which the Indian title is extinguished,	475,668
Sales made to the 30th June, 1828,	3,542,320
Saline reservations,	23,040
To which the Indian title has not been extinguished,	5,335,632
Balance of land in Indiana remaining unsold on the 30th June, 1828,	12,308,455
	<u>22,459,669</u>

MILITIA.—The militia of this state was, in 1828, 37,787.

Feb., 1829.—REMARKABLE SNAKE HUNT.—The following extraordinary circumstance occurred at or near Hillsborough, in Fountain county, in the state of Indiana:

For some years past, this place has been infested with snakes, so nume-

rous that people were not safe even in their beds at night. So great was the terror of the citizens, that few dared to venture out after dark, for fear of them. Last fall, a person living in the neighbourhood, discovered a cave in the bank of the creek, where it was supposed they had taken up their abode for the winter. Upon the information obtaining circulation, the citizens turned out en masse to destroy them. They commenced by digging and removing the earth and rocks, from the mouth of the den, until they came to them. They lay in coils in the crevices of the rocks.—Wooden hooks were thrust in, and frequently three or four were drawn out. The first two days, they caught one hundred and forty-two—about one hundred were rattle snakes, and the remainder the copper-headed snake. They were in general, of the largest size.

ILLINOIS.

January, 1828.—POPULATION.—The editor of the "Pioneer," published at Rock Spring, Illinois, estimates that the annual increase of the population of that state, from emigration, has, for the last 3 or 4 years, not been less than 12,000 persons. It is also stated Missouri is receiving a large increase of inhabitants.

September.—Joseph Duncan was re-elected representative to congress by a large majority over his opponent, Mr. Forquer.

December.—John M'Lean has been chosen a senator of the United States, for six years from the third day March next, in room of Jesse B. Thomas. whose term of service will then expire, and who has recently removed from the state of Illinois into the state of Ohio.

GALENA MINES.—The following is a statement of the number of permits granted to miners; the number of licenses granted to smelters; and the quantity of lead made at these

mines, between the 1st June, 1825, and last of February, 1829—the number of permits and licenses granted, and quantity of lead made in each particular year.

	Permits.	Licenses.	Lbs. of Lead.
1825	151	5	383,930
1826	434	4	1,560,534
1827	2,131	4	6,824,389
1828	1,944	31	12,957,100
1829	32	—	789,034
Total,	4,694	44	22,519,987

In the month of March, of the present year 626,236 lbs. of lead were made—making an aggregate amount of 23,141,223 lbs.

April, 1829.—In the lead mine country, of which Galena is the centre, there are about 12,000 people, chiefly men, and it is probable that they will make from 9 to 10,000,000 lbs. of lead, in the current year. Between the 25th of February, and 26th December, 1828, there were 99 arrivals of steam-boats, and 75 of keel-boats, at the port of Galena, which even 6 or 7 years ago, was in

the possession of the fierce Winnebagoes.

January, 1829.—LEGISLATURE.—The message of governor Edwards is very long. Much of it is devoted to the investigation of the right of the United States to the public lands within the limits of the state of Illinois. The sovereignty of the state is much spoken of; many propositions are quoted, and much argument used; and the conclusion arrived at, is—that “the United States have neither right of soil or jurisdiction over the public

lands, but that they all belong to the states in which they lie,” and he says that “the surrender of them is the only means of effectually quieting the public mind,” &c. and this, he thinks, should be insisted on, but with “all the moderation and forbearance due to the most devoted attachment of the union.” He suggests a petition to that effect, and to solicit the co-operation of all the states, having a common interest in the success of the measure.

MISSOURI.

POPULATION.—There were in the state in 1828, as appeared from the census of the several counties, 92,801 whites, 19,124 slaves, and 484 free persons of colour, in all 112,409.

ELECTION.—Mr. Pettis was elected representative to congress in 1828, by a majority of about 3000 over his competitor, Mr. Bates.

LEAD MINES.—In 1823 and 1824, the amount of mineral ore obtained at the Red river mines was about, 200,000 pounds; in 1825, 672,000 pounds; 1826, 743,000 pounds; and in 1827, 5,080,000 pounds. The lands contiguous to the mines have already greatly increased in value; and there has accrued to the United States, for leases, during the last year, about 30,000 dollars.

State debt in 1826, \$140,000. In 1828 \$75,000.

RECEIPTS AND EXPENDITURES.

Receipts for 1827,	\$49,558	
for 1828,	59,570	
	<hr/>	
	\$109,128	59,564
Average for two years,		
Expenditures for 1827,	\$27,116	
for 1828,	33,679	
	<hr/>	
	\$60,795	
Average expenditure for two years,	\$30,397	
Annual average balance,	\$24,167	

1828.—LEGISLATURE.—Governor Miller sent his annual message to the legislature on the 18th of November, and in which some of the chief things mentioned are the following :

The revenue of the state had increased from 40 to 44,000 dollars per annum, from 1821 to 1826, to from 55 to 60,000 dollars at present. The state debt was \$140,331.48, exclusive of interest, on the 1st July, 1826—and was then estimated at only \$75,000, without increased rates of taxation. The loan office paper issued to the amount of 181,783 dollars, had been reduced to the sum of 114,257. The state will sustain a great loss in this transaction, by the failure of payment in many to whom this paper was issued. that the lands granted by congress for He stated the support of seminaries of learning had been located, being 72 sections; and suggested that the United States ought to pay the cost of making the selection, the amount for which has been transmitted for payment. It appeared also that a grant has been made to the state of twelve salt springs, with six extra sections of land adjoining. It was stated that grants of lands have been made to nearly all the western states, to assist in the construction of roads and canals, except Missouri, and that such a grant should be sought for. The interruption of the trade with the internal province of Mexico by the Indians, was referred to; saying that protection had been asked and not granted. The fur trade in and beyond the Rocky Mountains, had also been interfered with by the British and Indians—10 citizens had

been murdered, and great robberies committed; it was suggested that British traders should be excluded from our territories. The reservations, by the general government, of lead mi-

nerel lands, and, partially, of iron ore lands, were subjects of complaint; and a bill made graduating the price of all public lands, it was suggested, should be asked of congress.

DISTRICT OF COLUMBIA.

JULY, 1828.—INTERNAL IMPROVEMENT.—The anniversary of the declaration of the independence of the United States, was a proud day for the district of Columbia, for the states interested in an open navigation from the Chesapeake to the lakes, and to the waters of the Mississippi.

On that day, which, by concurrent votes of the president and directors of the Chesapeake and Ohio canal company, and the corporations of Washington, Georgetown, and Alexandria, had been fixed upon for breaking ground upon the canal, this interesting ceremony took place.

Among the gentlemen composing the company thus assembled at the invitation of the committee of arrangement, were, the president of the United States, the secretaries of the treasury, war, and navy departments, Mr. Rush, general Porter, and Mr. Southard; the post master general, Mr. McLean; senators of the United States, Mr. J. S. Johnston, and Mr. Boulogny—and Mr. Washington, representing in congress; Mr. Vaughan, the minister of Great Britain to the United States; Baron Kru-dener, the minister of Russia, and Baron Maltitz, secretary of legation from the same power; the chevalier Huygens, minister from the Netherlands; Baron Stackelberg, charge d'affaires from the king of Sweden; Mr. Lisboa, secretary of legation from the emperor of Brazil; Mr. Hersant, vice-consul general of France—comprising all the representatives of foreign powers then in the city, and able to attend. Among other invited guests were the commander of the army, general Macomb, and general Stuart, and colonel Brooke, sur-

viving officers of the revolutionary army

On landing from the boats, and reaching the ground, (one or two hundred yards east of the line of the present canal,) the procession moved around it, so as to leave a hollow space, in the midst of a mass of people, in the centre of which, was the spot marked out by judge Wright, the engineer of the Chesapeake and Ohio canal company, for the commencement of the work.

Gen. Mercer, the president of the Chesapeake and Ohio canal company, addressed, as follows, the listening multitude:

Fellow-citizens—There are moments in the progress of time, which are the counters of whole ages. There are events, the monuments of which, surviving every other memorial of human existence, eternize the nation to whose history they belong, after all other vestiges of its glory have disappeared from the globe. At such a moment have we now arrived. Such a monument we are now to found.

Turning towards the president of the United States, who stood near him, Mr. M. proceeded:

Mr. President: On a day hallowed by the fondest recollections, beneath this cheering (may we not humbly trust, auspicious) sky, surrounded by the many thousand spectators who look on us with joyous anticipation; in the presence of the representatives of the most polished nations of the old and new-worlds, on a spot, where, little more than a century ago, the painted savage held his nightly orgies; at the request of the three cities of the district of Columbia, I present to the chief magistrate of the most pow-

erful republic on earth, for the most noble purpose that was ever conceived by man, this humble instrument of rural labour, a symbol of the favourite occupation of our countrymen.

May the use, to which it is about to be devoted, prove the precursor, to our beloved country, of improved agriculture, of multiplied and diversified arts, of extended commerce and navigation. Combining its social and moral influences with the principles of that happy constitution, under which you have been called to preside over the American people; may it become a safeguard of their liberty and independence, and a bond of perpetual union!

To the ardent wishes of this vast assembly, I unite my fervent prayer to that infinite and awful Being, without whose favour all human power is but vanity, that he will crown your labour with his blessing, and our work with immortality.

As soon as he had ended, the president of the United States, to whom general Mercer had presented the spade, stepped forward, and thus addressed the assembly of his fellow-citizens:

Friends and fellow-citizens—It is nearly a full century since Berkeley, bishop of Cloyne, turning towards this fair land, which we now inhabit, the eyes of a prophet, closed a few lines of poetical inspiration with this memorable prediction:

“Time’s noblest empire is the last:”

A prediction, which, to those of us whose lot has been cast by Divine Providence in these regions, contains not only a precious promise, but a solemn injunction of duty; since upon our energies, and upon those of our posterity, its fulfilment will depend. For, with reference to what principle could it be, that Berkeley proclaimed this, the last, to be the noblest empire of time? It was, as he himself declares, on the transplantation of *learning and the arts* to America;—Of learning and the arts! The four first acts—the empires of the old world, and of former ages—the Assyrian,

the Persian, the Grecian, the Roman empires—were empires of conquest; dominions of man over man. The empire which his great mind, piercing into the darkness of futurity, foretold in America, was the empire of learning and the arts—the dominion of man over himself, and over physical nature—acquired by the inspirations of genius, and the toils of industry; not watered with the tears of the widow and the orphan; not cemented in the blood of human victims; founded, not in discord, but in harmony—of which the only spoils are the imperfections of nature, and the victory achieved is the improvement of the condition of all. Well may this be termed nobler than the empire of conquest, in which man subdues only his fellow-man.

To the accomplishment of this prophecy, the first necessary step was the acquisition of the right of self-government by the people of the British North American colonies, achieved by the declaration of independence, and its acknowledgment by the British nation. The second was the union of all these colonies under one general confederated government—a task more arduous than that of the preceding separation, but at last effected by the present constitution of the United States.

The third step, more arduous still, than either, or both the others, was that, which we, fellow-citizens, may now congratulate ourselves, our country, and the world of man, that it is taken. It is the adaptation of the powers, physical, moral, and intellectual, of this whole union, to the improvement of its own condition; of its moral and political condition, by wise and liberal institutions—by the cultivation of the understanding and the heart—by academies, schools, and learned institutes—by the pursuit and patronage of learning and the arts: of its physical condition, by associated labour to improve the bounties, and to supply the deficiencies of nature; to stem the torrent in its course; to level the mountain with the plain; to

disarm and fetter the raging surge of the ocean. Undertakings, of which the language I now hold, is no exaggerated description, have become happily familiar, not only to the conceptions, but to the enterprise, of our countrymen. That, for the commencement of which we are here assembled, is eminent among the number. The project contemplates a conquest over physical nature, such as has never yet been achieved by man. The wonders of the ancient world, the pyramids of Egypt, the Colossus of Rhodes, the temple of Ephesus, the mausoleum of Artemisia, the wall of China, sink into insignificance before it—insignificance in the mass and momentum of human labour, required for the execution—insignificance in the comparison of the purposes to be accomplished by the work when executed. It is, therefore, a pleasing contemplation to those sanguine and patriotic spirits, who have so long looked with hope to the completion of this undertaking, that it unites the moral power and resources—first, of numerous individuals—secondly, of the corporate cities of Washington, Georgetown, and Alexandria—thirdly, of the great and powerful states of Pennsylvania, Virginia, and Maryland—and, lastly, by the subscription authorized at the recent session of congress, of the whole union.

Friends and fellow-labourers: we are informed by the holy oracles of truth, that, at the creation of man, male and female, the lord of the universe, their Maker, blessed them, and said unto them, be fruitful, and multiply, and replenish the earth, and subdue it. To subdue the earth was, therefore, one of the first duties assigned to man at his creation; and now, in his fallen condition, it remains among the most excellent of his occupations. To subdue the earth is pre-eminently the purpose of the undertaking, to the accomplishment of which the first stroke of the spade is now to be struck. That it is to be struck by this hand, I invite you to witness—and in performing this

act, I call upon you all to join me in fervent supplication to Him from whom that primitive injunction came, that he would follow with his blessing this joint effort of our great community, to perform his will in the subjugation of the earth for the improvement of the condition of man. That he would make it one of his chosen instruments for the preservation, prosperity, and perpetuity of our union. That he would have in his holy keeping all the workmen by whose labours it is to be completed. That their lives and their health may be precious in his sight; and that they may live to see the work of their hands contribute to the comforts and enjoyments of millions of their countrymen.

Friends and brethren: permit me further to say, that I deem the duty, now performed at the request of the president and directors of the Chesapeake and Ohio canal company, and of the corporations of the district of Columbia, one of the most fortunate incidents of my life. Though not among the functions of my official station, I esteem it as a privilege conferred upon me by my fellow-citizens of the district. Called, in the performance of my service heretofore as one of the representatives of my native commonwealth in the senate, and now as a member of the executive department of the government, my abode has been among the inhabitants of the district longer than at any other spot upon earth. In availing myself of this occasion to return to them my thanks for the numberless acts of kindness that I have experienced at their hands, may I be allowed to assign it as a motive operating upon the heart, and superadded to my official obligations, for taking a deep interest in their welfare and prosperity. Among the prospects of futurity, which we may indulge the rational hope of seeing realized by this junction of distant waters, that of the auspicious influence which it will exercise over the fortunes of every portion of the district, is one upon which my mind

dwells with unqualified pleasure. It is my earnest prayer that they may not be disappointed.

It was observed, that the first step towards the accomplishment of the glorious destinies of our country was the Declaration of Independence. That the second was the union of these states under our federative government. The third is irrevocably fixed, by the act upon the commencement of which we are now engaged. What time more suitable for this operation could have been selected, than the anniversary of our great national festival? What place more appropriate from whence to proceed, than that which bears the name of the Citizen Warrior who led our armies in that eventful contest to the field, and who first presided as the chief magistrate of our union? You know that, of this very undertaking, he was one of the first projectors; and if, in the world of spirits, the affections of our mortal existence still retain their sway, may we not, without presumption, imagine that he looks down with complacency and delight upon the scene before and around us?

But, while indulging a sentiment of joyous exultation, at the benefits to be derived from this labour of our friends and neighbours, let us not forget that the spirit of internal improvement is catholic and liberal. We hope and believe, that its practical advantages will be extended to every individual in our union. In praying for the blessing of heaven upon our task, we ask it with equal zeal and sincerity upon every other similar work in this confederation; and particularly upon that which, on this same day, and perhaps at this very hour, is commencing from a neighbouring city. It is one of the happiest characteristics in the principle of internal improvement, that the success of one great enterprise, instead of counteracting, gives assistance to the execution of another. May they increase and multiply, till, in the sublime language of inspiration, every valley shall be exalted, and every

mountain and hill shall be made low; the crooked straight; the rough places plain. Thus shall the prediction of the bishop of Cloyne be converted from prophecy into history, and, in the virtues and fortunes of our posterity, the last shall prove the noblest empire of time.

As the president concluded, a national salute was fired by a detachment of United States artillery posted upon the ground. As soon as the cheering which followed the close of the president's speech had subsided, the chairman of the committee of arrangements delivered the following brief address:

"In the name of the committee of arrangements of the corporations of the district, I tender to the president and directors of the canal company, and to this crowd of gratified spectators, our congratulations on the happy commencement of this great work.

"To the president of the company, we and the country are indebted for his early, persevering, and successful efforts in the great cause, the triumph of which we have this day assembled to honour; and we cordially respond to those emotions which the occasion is so well calculated to inspire in his breast.

"To the president of the United States we are under obligations for the kindness and cheerfulness with which he accepted our invitation to practically begin the labour, which is to unite, by closer ties of amity and interest, the inhabitants of the borders of the Atlantic, of the margins of the Lakes, and of the rapidly peopling forests and prairies of the interior. In the name of our corporations, we return our acknowledgments to him for the countenance and aid which this undertaking has constantly received from him.

"To the director from the state of Pennsylvania, who may be considered, in his present relation to us, the representative not merely of his own state, but of the whole west, we offer our cordial felicitation on the prospect of the early completion of the

work which has just now been symbolically begun, and of which he too has been the zealous and efficient advocate.

"To the almost unanimous support of the senators and representatives of the western states, united to that afforded by valuable friends from other states, we, of the Atlantic shore, greatly owe the aid which congress has liberally granted to this undertaking. It is our earnest hope, that, in the advantages to be derived from the opening of this great channel of commerce—from the construction of this great central chain of union—the states of the west will find their most sanguine calculations surpassed by the reality, and that, in the result, the whole sisterhood of states will be made sensible of the benign influence of liberal legislation."

When the chairman had concluded—

Mr. Stewart, (the director referred to above) after returning his thanks to the committee from the three corporations of the district, for the flattering terms in which they had noticed him in the address delivered by their chairman, begged to avail himself of this occasion, to tender also his grateful acknowledgments to the stockholders now present, for the distinguished and unexpected honour they had conferred on him, by calling him from a distant residence, to a seat at the board of directors. He had, however, to regret that, owing to his very limited experience, he could bring to the board little more than his hearty good will, and an ardent desire to do every thing in his power to give energy to the prosecution of this great work to a speedy and successful termination—a work pre-eminently national in all its aspects, commenced, as had been well remarked by the president of the company, under the most cheering auspices, by the hands of the chief magistrate of the greatest republic on earth, and in the presence of the official representatives of several of the most refined and powerful nations of Europe.

Designated by you, gentlemen, (said Mr. S.) as the representative of the western states, on this occasion I may venture to tender you their thanks for the just tribute you have paid to the liberal and magnanimous spirit by which they have been governed. I need not say that the people of the west take a deep and lively interest in the success of this great enterprise. They have spoken their sentiments by much higher authority, by their immediate representatives in congress: for, in eight of the nine western states there was but one vote against the liberal appropriation granted at the last session to this object, and to which we are so greatly indebted for the gratification we all experience on this glorious and joyful occasion.

Looking, as we do, in the west, with intense interest to the accomplishment of this great object, it would be unjust, on this occasion, to withhold the expression of our obligations to our brethren of the east, for their liberal support; for, in eight of the eastern states, likewise, there were but eight votes in the house against this appropriation. Our obligations, however, are confined to no section; they belong to the whole union. Justly regarding this as an object eminently national, the representatives from all portions of our country, influenced by a liberal and enlightened policy, extended to it a generous support. This liberality, however, was not confined to this object alone, but extended largely and freely to others—to Tennessee, to Ohio, to Pennsylvania.

You have very justly, gentlemen, described this as "a great central chain of union between the Atlantic and western states." I am happy, however, in the conviction, that there are other, and stronger ties which bind us together—ties of a higher and nobler origin—ties "not made with hands," but found in the hearts, in the affectionate attachment, in the patriotic devotion of the people to the government and union of the states. These are the bonds of union, after

all, to which we must look, and on which we must rely; these are the bonds which we are called on, by every patriotic feeling, to cherish, to strengthen, and increase. Every attempt, no matter from what quarter it may come, to dissolve these bonds, to weaken these ties, which bind the people to the union, to the constitution, and laws of their country, should, as it must, meet the indignant reprobation of every true patriot.

But I will dismiss this reflection as inappropriate to the occasion, as an event beyond the reach of anticipation, to which we should never look but to avoid it.

I present you, gentlemen, and all present, the congratulations of the west on this occasion; and permit me to express the hope that we will be able to complete the work, now so happily begun, as far as Cumberland, in three years from this day; and, by

a union and co-operation with our friends at Baltimore, when the two works become united on the Potomac river, with a common object and a common interest, may we not indulge the hope, that the day is not distant, when we shall again assemble, at the summit level, to celebrate an event still more glorious than this—the mingling of the waters of the Chesapeake and Ohio; when we may truly exclaim, without the spirit of prophecy,

“Art’s noblest triumph is the last.”

These addresses being concluded, the spade was taken, and sods of earth were dug in succession, by a great number of persons.

After a few moments of repose, the procession again formed, and returned to the boats, and, by the way of the canal, back to the tide-water, where they re-embarked on board the steamboats.

END OF PART I.

ERRATA.

Page.	Line.	Col.		Page.	Line.	Col.	
16	21	1	after accustomed, insert to receive	351	40	1	for Osmanlic, read Osmanlis
23	1	2	for was, read were	354	17	1	for Tracomic, read Trawnick
73	23	1	before all insert at	27	2	2	for men, read names
160	39	2	for Sir Henry Parvole, read Sir Henry Parnell	356	28	2	for Corou, read Coron
173	31	2	for revocation read promulgation	359	3	2	dele the
179	3	1	for 1525, read, 1825	361	22	1	for consent, read concert
185	22	1	for one hundred and fifty, read four hundred and fifty	365	30	1	for Gennau, read German
190	26	1	for 1826, read 1827	366	13	1	dele the
227	23	2	for the, read this	19			for 16,000, read 1,600
231	20	2	dele several	23	2	2	for was, read were
232	37	2	dele and before the	367	18	2	for Shaohat, read Shavshat
236	6	2	for two, read four	368	32	1	for Sagunton, read Saganlou
239	15	1	for were, read was	369	39	1	same
240	11	2	dele first	17			for mark, read mask
241	17	2	for grant, read great	373	18	2	for the, read sixteen
257	29	2	for operation, read operations	374	10	2	for Lazittan, read Lazistan
259	8	1	for ministry, read ministries	376	30	1	for Ryndtu, read Ryndin
267	16	1	for man, read men	377	34	1	for largest, read longest
269	8	1	dele to	3			for continued, read advanced
	11	1	for Chamos, read Chemos	379	10	1	for Newkoutcha, read Markovitcha
276	33	1	for its, read his	381	6&29	2	for Tolsloy, read Tolstoy
	17	2	for Friesland, read Friedland	7			for Gesrilenkoff, read Gavrilenkoff
280	38	1	for Boukendorf, read Benkendorf	382	10	1	for Grilenkoff, read Gavrilenkoff
281	2	1	for Djanghih, read Djanghili	I			for were, read was
282	36	1	for Paukratieff, read Pannrati-cff	10			for Tolsloy, read Tolstoy
284	14	2	for and, read of	384	21	1	for Siroff, read Jiroff
285	11	2	for Messelrode, read Nesselrode				pages 386, 387, 391, the same
291	39	1	for governments, read government	384	39	2	for on, read in
294	3	1	for Nizam, read Nizam	386	26	1	for Jujiakioi, read Injiakioi
297	5	2	for dragoons, read dragomen	40			for of, read for
298	21	2	for Reis Effendi, read Grand Vizier	387	11	2	for of, read in
299	28	1	the same	31			for Jujiakioi, read Injiakioi
304	10	1	the same	389	34	2	for Kassautlyk, read Kasautlyk
300	37	1	after trampling, insert upon	390	18	1	for Kasaw, read Kasan
	20	2	for had, read has	391	40	2	for modes, read roads
307	1	2	for 1806, read 1816	392	20	1	for Fouton, read Fonton
308	13	2	after terms, insert of the treaty	393	9		for five, read fine
	36		for are, read were	394	14	1	at beginning of line, insert only
311	32	2	for interrupt, read intercept	396	20	1	for count, read counts
314	2	1	for Prussia, read Russia	397	5	1	for Kulan, read Kuban
318	24	1	after Varna, dele and	399	40	1	for acts, read act
320	1	2	for they, read the Turks	400	7	1	for sanitary, read sanitary
	16		before heights, insert the	10			for from, read for
321	9	1	for Wreda, read Wrede	414	20	2	for squadrons, read squadron
322	34	2	for Hore, read Flore	416	1	1	for left, read lost
323	37	1	after flotilla, a comma instead of a period	18			for Guillaminott, read Guilleminott
	40	1	for Capudin, read Capudon	433	18	2	for Sanataire, read Sanitaire
			pages 326, 328, 330, 352, 357, 394, the same	477	36	2	for gree, read degree
324	26	1	for Grasinia, read Grusinia	537	15	1	for provisionary, read provisional
333	16	2	dele him	60	54	2	for relinquished, read republished
340	6		for Kulch, read Kaleh	80	17	2	Insert 4th, Resistance to such order
343	2	1	for St. Petersburg, read Odesa	37			for of, read or
348	12	1	dele of, at the beginning of line	90	21	2	for commissioners, read commissions
349	4	1	for denied, read desired	93	26	1	for of, read by
351	35	1	after him, insert and after	96	23	1	for to, read of
				103	7	2	for or, read but on
				105	2	1	after little, insert accrued







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